

DAVID PEREZ
FRANCOIS V. VICTORY AUTO GROUP

November 21, 2022
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Page 1		Page 2	Page 3
1	UNITED STATES DISTRICT COURT	1	STIPULATIONS
2	SOUTHERN DISTRICT OF NEW YORK	2	
3	1:2022-cv-04447 (JSR)	3	IT IS HEREBY STIPULATED AND AGREED, by and among
4	-----x	4	counsel for the respective parties hereto, that the
5	FAIRAH JEAN FRANCOIS,	5	filings, sealing and certification of the within
6	Plaintiff,	6	deposition shall be and the same are hereby waived;
7	-against-	7	IT IS FURTHER STIPULATED AND AGREED that all
8	VICTORY AUTO GROUP LLC d/b/a VICTORY MITSUBISHI,	8	objections, except as to form of the question, shall be
9	SPARTAN AUTO GROUP LLC d/b/a VICTORY MITSUBISHI,	9	reserved to the time of the trial;
10	JOHN DOE 1-6 and PHILIP ARGYROPOULOS,	10	IT IS FURTHER STIPULATED AND AGREED that the within
11	Defendants.	11	deposition may be signed before any Notary Public with
12	-----x	12	the same force and effect as if signed and sworn to
13	Zoom deposition	13	before the Court.
14	November 21, 2022	14	
15	11:00 a.m.	15	
16	DEPOSITION of DAVID PEREZ, the NON-PARTY WITNESS for	16	
17	the DEFENDANT VICTORY MITSUBISHI, in the above-entitled	17	
18	action, held at the above time and place, taken before	18	
19	Sindee J. Baum, a Shorthand Reporter and Notary Public	19	
20	of the State of New York, pursuant to the Federal Rules	20	
21	of Civil Procedure and stipulations between Counsel.	21	
22		22	
23		23	
24		24	
25		25	
1	APPEARANCES: (All appearing via Zoom)	1	DAVID PEREZ, the Witness herein, having first
2		2	been duly sworn by the Notary Public, was examined and
3	LAW OFFICES OF AHMAD KESHAVARZ	3	testified as follows:
4	Attorneys for Plaintiff	4	EXAMINATION BY
5	16 Court Street, 26th Floor	5	THE STENOGRAPHER:
6	Brooklyn, New York 11241-1026	6	Q. Please state your full name for the record.
7	BY: AHMAD KESHAVARZ, ESQ.	7	A. David Perez.
8	Ahmad@newyorkconsumerattorney.com	8	Q. What is your current address?
9		9	A. REDACTED
10	NICHOLAS GOODMAN & ASSOCIATES PLLC	10	BY MR. KESHAVARZ:
11	Attorneys for Defendant	11	Q. Good morning, Mr. Perez. Thank you for your time
12	333 Park Avenue South, Ste. 3A	12	this morning.
13	New York, New York 10010	13	A. Good morning.
14	BY: NICHOLAS GOODMAN, ESQ.	14	Q. I'm Ahmad Keshavarz. I represent Farah Jean
15	Ngoodman@ngoodmanlaw.com	15	Francois in this lawsuit. Let me go over a few ground
16	Also Present:	16	rules. First of all, you gave your name to the court
17	Caterine Emma, Esq.	17	reporter.
18	Patrick Selvey, Esq.	18	What is your full legal name?
19		19	A. David Perez.
20		20	Q. No middle initial?
21		21	No, you know, anything like that?
22		22	A. Correct.
23		23	Q. Have you ever gone by any other name, other than
24		24	David Perez?
25		25	A. No.

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<p>1 DAVID PEREZ</p> <p>2 Q. No aliases in the past?</p> <p>3 A. No.</p> <p>4 Q. Have you ever had your deposition taken before?</p> <p>5 A. No.</p> <p>6 Q. Let me go over a few ground rules, please.</p> <p>7 If you don't understand a question I'm asking,</p> <p>8 will you please ask me to rephrase?</p> <p>9 A. No problem.</p> <p>10 Q. If I ask you a question and you don't ask me to</p> <p>11 rephrase, is it reasonable to assume that you understood</p> <p>12 the question?</p> <p>13 MR. GOODMAN: Object to form.</p> <p>14 Go ahead and answer, if you understand.</p> <p>15 A. Yes.</p> <p>16 Q. Yes? Okay.</p> <p>17 During the course of the deposition, Mr. Goodman</p> <p>18 might make certain objections, particularly, what's</p> <p>19 called objection form. And you don't need to worry</p> <p>20 about what that means. But if that happens, you're</p> <p>21 still required to go ahead and answer the question.</p> <p>22 Do you understand that?</p> <p>23 A. Yes.</p> <p>24 Q. It is important for you to articulate clearly an</p> <p>25 answer. It's normal to nod a head or shake your head or</p>	<p>1 DAVID PEREZ</p> <p>2 MR. KESHAVARZ: Perfect. That's fine.</p> <p>3 Q. This might sound odd and, maybe, somewhat</p> <p>4 insulting, but I have to ask.</p> <p>5 What is your height?</p> <p>6 MR. GOODMAN: Objection. If you need this</p> <p>7 information for the service of the subpoena, we'll</p> <p>8 accept service of the subpoena.</p> <p>9 MR. KESHAVARZ: You can instruct him not to</p> <p>10 answer if it's abusive or you can say objection to the</p> <p>11 form of the question. You can say either one — one or</p> <p>12 the other.</p> <p>13 MR. GOODMAN: Okay. I don't need to hear</p> <p>14 from you what I can or can't do. I'll make my own</p> <p>15 record, thank you. I just told you that we will</p> <p>16 certainly volunteer to accept a subpoena. The only</p> <p>17 reason you can ask for his height and other descriptive</p> <p>18 information is for that purpose.</p> <p>19 MR. KESHAVARZ: There may be other purposes.</p> <p>20 Q. So Mr. Perez, will you tell me your height or</p> <p>21 will you not tell me your height?</p> <p>22 MR. GOODMAN: We go off the record, and</p> <p>23 he'll provide it.</p> <p>24 (Whereupon, an off-the-record discussion was</p> <p>25 held.)</p>
<p>1 DAVID PEREZ</p> <p>2 say "Uh-huh." But since the court reporter is taking</p> <p>3 notes, will you please try to verbalize your answers?</p> <p>4 A. I understand.</p> <p>5 Q. What is your age, sir?</p> <p>6 A. I am 32 years old.</p> <p>7 Q. What's your date of birth?</p> <p>8 Redacted</p> <p>9 Q. Social Security?</p> <p>10 MR. GOODMAN: Objection. We can provide</p> <p>11 that to you separately. I don't want that printed in</p> <p>12 the transcript.</p> <p>13 MR. KESHAVARZ: That's fair enough.</p> <p>14 Let's go off the record for a second.</p> <p>15 (Whereupon, an off-the-record discussion was</p> <p>16 held.)</p> <p>17 Q. Now, during — I just asked for your Social</p> <p>18 Security number off the record, and your attorney has</p> <p>19 refused to produce it; is that right?</p> <p>20 Wouldn't let you answer the question, correct?</p> <p>21 A. I'm sorry. I couldn't understand.</p> <p>22 MR. KESHAVARZ: Well, Mr. Goodman, could you</p> <p>23 just e-mail it to me later today?</p> <p>24 MR. GOODMAN: I'll e-mail you later today</p> <p>25 yes.</p>	<p>1 DAVID PEREZ</p> <p>2 Q. What's your current address?</p> <p>3 MR. GOODMAN: Objection.</p> <p>4 Don't answer.</p> <p>5 MR. KESHAVARZ: Basis?</p> <p>6 MR. GOODMAN: I don't need to state basis.</p> <p>7 MR. KESHAVARZ: So you'll accept a notice of</p> <p>8 subpoena — notice for trial, notice on yourself?</p> <p>9 I don't need to serve a subpoena for trial</p> <p>10 or —</p> <p>11 MR. GOODMAN: As previously stated, yes,</p> <p>12 that is correct.</p> <p>13 MR. KESHAVARZ: Okay.</p> <p>14 Q. And was your address today the same as it was in</p> <p>15 May 2020?</p> <p>16 MR. GOODMAN: Objection. You mean the</p> <p>17 address he gave at the beginning of his deposition?</p> <p>18 MR. KESHAVARZ: His personal address.</p> <p>19 MR. GOODMAN: You want to know if it was the</p> <p>20 same then as it is now?</p> <p>21 Go ahead.</p> <p>22 A. No.</p> <p>23 Q. What was it then?</p> <p>24 MR. GOODMAN: You're talking about his</p> <p>25 residence address now.</p>

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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. In May 2020, what was your address?	2	Go ahead.
3	MR. GOODMAN: You don't have to give a	3	A. No, I won't provide the address.
4	residence address --	4	MR. KESHAVARZ: Mark it for a ruling with
5	MR. KESHAVARZ: Is that a no?	5	the court.
6	I'm sorry?	6	Q. What's your cell number?
7	MR. GOODMAN: -- in 2020.	7	MR. GOODMAN: Objection.
8	MR. KESHAVARZ: I'm sorry?	8	Q. Go ahead.
9	Q. What was your -- Mr. Perez, what was your	9	MR. KESHAVARZ: What?
10	residence address in May of 2020?	10	MR. GOODMAN: What's what?
11	MR. GOODMAN: Objection.	11	What do you need his current cell number
12	Don't answer.	12	for?
13	MR. KESHAVARZ: I need this information for	13	Can you please tell me --
14	many reasons that are not just related to the notice of	14	MR. KESHAVARZ: Well, there are many cell
15	a deposition or subpoena.	15	numbers that are referenced in documents.
16	So what's the basis for the objection.	16	(Simultaneous cross talk.)
17	MR. GOODMAN: The basis for the objection is	17	MR. GOODMAN: -- with his private
18	it's personal information as his personal residence. If	18	information.
19	you want to have a discussion after this deposition,	19	MR. KESHAVARZ: Right. But there are cell
20	when we discuss -- provide his Social Security number	20	phone numbers that are referenced in document
21	and other information, I'm going to listen. But lets	21	production. I need it.
22	move on with the deposition.	22	Are you going to instruct not to answer?
23	MR. KESHAVARZ: So when you provide his	23	MR. GOODMAN: Yes.
24	Social Security number in an e-mail later today,	24	MR. KESHAVARZ: Okay. Let's get the judge
25	will you provide his current and prior address?	25	on the phone.
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1	DAVID PEREZ	1	DAVID PEREZ
2	MR. GOODMAN: I'll take it under advisement.	2	(Whereupon, an off-the-record discussion was
3	MR. KESHAVARZ: Okay. Mark it for a ruling.	3	held.)
4	Q. You understand, Mr. Perez, that you're under	4	THE COURT: Thank you for holding, Counsel.
5	oath?	5	This is Harry Larson, Judge Jed S. Rakoff's law clerk.
6	You understand that, right?	6	Who's on the line?
7	A. I understand.	7	MR. KESHAVARZ: Yes. We're on a deposition
8	Q. Now, your answers today are just as if you were	8	transcript -- we're on the record.
9	in front of a judge and you're testifying at trial.	9	Would you like me to go off the record?
10	You understand that?	10	THE COURT: Yes.
11	A. I understand.	11	(Whereupon, an off-the-record discussion was
12	Q. Now, when I indicate I want an item marked for	12	held.)
13	ruling, that means that I'm going to ask the court to	13	Q. Whatever the phone number you have, was it the
14	compel an answer, take whatever steps are necessary.	14	same in May 2020 as it is today?
15	Do you understand that?	15	A. Yes.
16	A. I understand.	16	MR. GOODMAN: We're back on the record,
17	Q. I'm going to mark this issue about whether you	17	correct, court reporter?
18	provide your residential address for a ruling.	18	THE STENOGRAPHER: Yes. Once Mr. Keshavarz
19	Despite the objection of Mr. Goodman, will you	19	started questioning, I went back on the record.
20	tell me your current address -- residential address and	20	Q. And it's the same phone provider from May 2020 to
21	address on May 20th, 2022; yes or no?	21	present; is that right?
22	MR. GOODMAN: Note my objection. I direct	22	A. No.
23	him not to answer.	23	Q. So it's the same phone number, but a different
24	Q. Go ahead.	24	phone provider; is that right?
25	You can answer the question.	25	A. Correct.

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1	DAVID PEREZ	1
2	Q. Who was the provider in May and June of 2020?	2 present?
3	MR. GOODMAN: You can answer. Go ahead.	3 MR. GOODMAN: Object to the form.
4	A. Sprint.	4 You can answer, if you understand.
5	Q. And is that also true in September of 2020?	5 MR. KESHAVARZ: You say objection to form,
6	A. Yes.	6 and that's it.
7	Q. And what's the current -- when did it change,	7 MR. GOODMAN: Don't tell me what to say.
8	approximately?	8 Let's just not do that.
9	A. I don't remember.	9 Q. Go ahead.
10	Q. Who' the current provider?	10 A. Yes, I do.
11	MR. GOODMAN: You can answer. Go ahead.	11 Q. Which providers?
12	A. AT&T.	12 A. WhatsApp.
13	Q. Did you have the same cell phone number in	13 Q. Any other?
14	January 1, 2019?	14 A. No.
15	MR. GOODMAN: Objection. Relevance.	15 Q. Did you use WhatsApp in May through September of
16	What does that have to do with anything?	16 2020?
17	MR. KESHAVARZ: Relevance is not an	17 A. Yes.
18	objection.	18 Q. Did you use it up until present?
19	MR. GOODMAN: Thank you.	19 MR. GOODMAN: Object to the form.
20	Mr. Perez, don't answer the question.	20 Go ahead.
21	Put it on your list.	21 A. Yes.
22	MR. KESHAVARZ: Communications in 2019 are	22 Q. Did you use WhatsApp to communicate with any
23	in production.	23 customers at a dealership you worked at from January 1,
24	MR. GOODMAN: Ask him if he was involved in	24 2019, to present?
25	this.	25 A. Not that I can recall.
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1	DAVID PEREZ	1
2	MR. KESHAVARZ: You're going to instruct him	2 Q. Do you use text messages from WhatsApp from
3	not to answer?	3 January 1, 2019, forward for work you did at a
4	MR. GOODMAN: Yes, I am. You're free to ask	4 dealership?
5	him what his involvement was in any communication in	5 MR. GOODMAN: Object to the form.
6	January 2019. I'm not going to object to that.	6 Go ahead.
7	Q. Did you have the same phone number provider 2019	7 A. Not that I can recall.
8	-- in January 1, 2019 -- excuse me.	8 Q. Did you use text messages for work you've done at
9	Did you have the phone number in January 1, 2019,	9 a dealership from January 1, 2019, to present?
10	as you currently have?	10 A. Not that I can recall.
11	A. Yes.	11 Q. Do you use -- have you ever used a cell phone for
12	Q. The same cell phone provider in January 1, 2019,	12 your work at a car dealership from January 1, 2019, to
13	as you did in May and June of 2020?	13 present?
14	A. Yes.	14 MR. GOODMAN: Object to the form.
15	Q. Okay. Great.	15 Go ahead.
16	Do you use any virtual phone numbers, like,	16 A. Not that I can recall.
17	Google Voice or WhatsApp or anything like that?	17 Q. So if you had a communication with a consumer to
18	MR. GOODMAN: Did he use personally or	18 purchase a vehicle, you would -- you don't recall if you
19	business?	19 ever used your cell phone?
20	What was the question?	20 MR. GOODMAN: Object to the form. He
21	MR. KESHAVARZ: You say object form, and	21 answered. Asked and answered, also.
22	that's it.	22 Q. Go ahead, you can answer.
23	Q. Will you just please answer the question?	23 A. I have a store phone that I use.
24	Did you use a virtual phone number, such as,	24 Q. What's the store phone?
25	Google Voice or WhatsApp from January 1, 2019, to	25 A. The phone number for the store.

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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. The front office?	2	Q. Other than the e-mail you just provided, did you
3	MR. GOODMAN: Objection to the form.	3	use any other e-mail address in connection with work
4	A. Correct.	4	while working at Victory Mitsubishi?
5	Q. You never used any other phone for work while at	5	A. No.
6	a dealership from January 1, 2019, to present; is that	6	Q. Do you have your work e-mail address while you
7	right?	7	were working at Victory Mitsubishi forwarded to your
8	MR. GOODMAN: Asked and answered.	8	personal e-mail address?
9	Go ahead.	9	A. No.
10	A. No.	10	Q. When you used a work number -- strike that.
11	Q. Why not?	11	Was it the same phone number that you gave out
12	MR. GOODMAN: Why not?	12	while you were working at -- while you worked at Victory
13	Object to the form.	13	Mitsubishi for customers to call you?
14	Go ahead.	14	A. I don't understand the question.
15	A. I don't want customers having my personal phone	15	Q. What phone numbers would you give out for
16	number.	16	customers to contact you while you worked at Victory
17	Q. And then I know you said you didn't use WhatsApp	17	Mitsubishi?
18	for messaging. You weren't sure. I apologize if I	18	MR. GOODMAN: Object to the form.
19	asked this question.	19	Go ahead.
20	Do you use WhatsApp for calls related to work at	20	A. The one provided by the store.
21	a car dealership from January 1, 2019, to present?	21	Q. Which was what, if you remember?
22	MR. GOODMAN: Asked and answered.	22	A. I don't recall.
23	Go ahead.	23	Q. But it was always the same number that you
24	A. No. Not that I can recall.	24	provided, correct?
25	Q. Okay. Great.	25	A. Correct.
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1	DAVID PEREZ	1	DAVID PEREZ
2	Do you have e-mail?	2	Q. And was that the number for the front office or
3	MR. GOODMAN: Does he have e-mail? That's a	3	was that a direct number to you?
4	question?	4	A. Well, it was an extension.
5	Q. You can answer.	5	Q. So they -- you gave a general phone number and
6	MR. GOODMAN: Go ahead.	6	you had an extension number that someone could type in
7	Do you have e-mail?	7	to reach you.
8	Whatever that means.	8	Is that what you're saying?
9	A. Yes.	9	A. That is correct.
10	Q. What e-mail -- have you ever used an e-mail	10	Q. Now, were phone calls recorded from -- phone
11	address in connection with work at a car dealership?	11	calls recorded that were made or received at Victory
12	A. Yeah.	12	Mitsubishi?
13	Q. From January 1, 2019, to present, what e-mail	13	MR. GOODMAN: Time frame?
14	addresses have you used in connection with any work	14	Q. When did you work at Victory Mitsubishi?
15	you've done at a dealership?	15	A. I'm sorry. I don't understand.
16	A. E-mail provided by the store.	16	Q. When did you work at Victory Mitsubishi?
17	Q. What e-mail address did you use in connection	17	A. Oh, 2018.
18	with work while you worked at Victory Mitsubishi?	18	Q. January 2018?
19	A. DavidP@victorymitsubishi.com.	19	A. January -- no, sorry. April 2018.
20	Q. Did you ever use an e-mail in connection with	20	Q. Until -- you started working at Victory
21	work while you were at Victory Mitsubishi, other than	21	Mitsubishi in April 2018, correct?
22	the one you just provided?	22	A. That is correct.
23	MR. GOODMAN: What's that?	23	Q. And when did you cease working at Victory
24	A. Could you repeat the question?	24	Mitsubishi?
25	MR. GOODMAN: Yeah, I didn't get that.	25	A. June 2021.

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1 DAVID PEREZ	1 DAVID PEREZ
2 Q. Do you remember when in June 2021?	2 please?
3 A. No. I don't recall.	3 A. I don't know the spelling.
4 Q. Why did you cease working at Victory Mitsubishi?	4 Q. Do you have an approximation?
5 MR. GOODMAN: Go ahead.	5 MR. GOODMAN: By counsel, S-T-A-V-R-O-S
6 A. I got a better job offer.	6 O-R-S-A-R-I-S.
7 Q. To where?	7 Q. Stavros Orsaris.
8 A. My current job.	8 And who is Stavros Orsaris?
9 Q. Which is where?	9 A. He's my former boss.
10 A. The 144-20 Hillside Avenue.	10 Q. Anyone else in the room?
11 Q. And what dealership is that?	11 A. No.
12 A. Power Motors.	12 Q. Anyone listening by phone?
13 Q. Power motors. All right.	13 A. No.
14 What steps did you take to prepare for your	14 Q. Did you have any other meetings, other than that
15 deposition today?	15 November 17th meeting in preparation for your deposition
16 A. Sorry?	16 today?
17 Q. What steps did you take in preparation for your	17 A. No.
18 deposition today?	18 Q. Did you review documents in preparation for your
19 A. Well, I met with Nicholas.	19 deposition today?
20 Q. Nicholas Goodman?	20 A. Yes.
21 A. Yes. With Nicholas Goodman.	21 Q. What documents did you review in preparation for
22 Q. When did you meet with Mr. Goodman?	22 your deposition today?
23 A. Thursday this month. Last week. I don't	23 A. The deal jacket.
24 remember the date.	24 Q. What is a deal jacket?
25 Q. So you met with Mr. Goodman in preparation for	25 A. That's when a customer purchases a vehicle and we
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1 DAVID PEREZ	1 DAVID PEREZ
2 your deposition today.	2 put all pertinent information in there, like, credit
3 And you met with him on Thursday, November 17th;	3 apps, licenses, bank account tracks, receipts. Stuff
4 is that correct?	4 like that. DMV.
5 A. If that's the date, yes.	5 Q. Can you back up?
6 Q. And how long was the meeting for?	6 Let's take it one step at a time.
7 A. I don't know.	7 What was in the deal jacket for the deal that --
8 Q. Was it more than an hour?	8 what was the deal jacket that you reviewed?
9 A. Little bit more.	9 Let's take one at a time, again, please.
10 Q. More than two hours?	10 MR. GOODMAN: Object to the form.
11 A. No.	11 Do you mean identify the transaction that
12 Q. Was anyone else in the room when you were	12 was in the deal jacket?
13 speaking with Mr. Goodman?	13 A. Farah Fowler.
14 A. Yes.	14 MR. GOODMAN: What?
15 Q. Who else was in the room when you spoke with	15 THE WITNESS: The --
16 Mr. Goodman on Thursday, November 17th?	16 MR. GOODMAN: You mean Farah Francois?
17 A. Mr. Patrick.	17 Q. Let me ask you a different way.
18 Q. Patrick Selvey, also counsel, correct?	18 You started saying what documents are typically
19 A. Yes.	19 in the deal jacket. But you went faster than I can take
20 Q. Was anyone else in the room on Thursday, November	20 notes on.
21 17th?	21 So can you go a little slower and tell me what's,
22 A. Yes.	22 typically, in the deal jacket?
23 Q. Who else?	23 A. Bill of sale, the bank contract, receipts of any
24 A. Stavros.	24 money given, DMV, license for the purchaser, as well as,
25 Q. Can you spell that for the court reporter,	25 credit app.

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1 DAVID PEREZ 2 Q. When you say DMV, what do you mean? 3 A. Any documents that are needed for DMV. 4 Q. What typical documents related to the DMV are in 5 the file jacket? 6 A. I wouldn't know. 7 Q. A deal jacket, excuse me. 8 You wouldn't know? 9 A. No, I wouldn't know. 10 Q. How many pages were in the deal jacket that you 11 reviewed in preparation for your deposition? 12 A. I wouldn't know. I wasn't counting. 13 Q. What documents? 14 Was the bill of sale in that deal jacket for 15 Ms. Francois? 16 Strike that. Let me rephrase that. 17 Was there a bill of sale in the deal jacket that 18 you reviewed in preparation for your deposition today? 19 A. Don't recall. 20 Q. Was there a bank contract in the deal jacket that 21 you reviewed in preparation for your deposition today? 22 MR. GOODMAN: Object to form. 23 Go ahead. 24 A. Don't recall. 25 Q. Were there any receipts for any money given or	Page 25 1 DAVID PEREZ 2 in the deal jacket? 3 A. Don't recall. 4 Q. Were there any DMV documents in the deal jacket 5 that you reviewed in preparation for your deposition 6 today? 7 A. Don't recall. 8 Q. Was there any -- were there any licenses in the 9 deal jacket that you reviewed in preparation for your 10 deposition today? 11 A. Yes. 12 Q. What licenses were in the deal jacket for the 13 deposition -- for the deal jacket that you reviewed in 14 preparation for your deposition today? 15 A. Farrah. 16 Q. There was a photocopy of the driver's license for 17 Farah Francois in the deal jacket that you reviewed in 18 preparation for your deposition today; is that correct? 19 A. Yes. 20 Q. Were there any other driver's licenses or any 21 other licenses in the deal jacket? 22 A. I don't understand. 23 Q. You said there was a license for a driver's 24 license for Farah Francois in the deal jacket that you 25 reviewed in preparation for your deposition today; is
1 DAVID PEREZ 2 received in the deal jacket that you reviewed in 3 preparation for your deposition today? 4 A. Yes. 5 Q. What receipts for money given or received for was 6 there in the deal jacket that you reviewed in 7 preparation for your deposition today? 8 A. I don't understand the question. 9 Q. You said receipts were in the deal jacket that 10 you reviewed in preparation for your deposition today; 11 is that correct? 12 A. Correct. 13 Q. What receipts were in the deal jacket that you 14 reviewed in preparation for your deposition today? 15 MR. GOODMAN: Object to form. 16 Go ahead. 17 Do you understand? 18 A. Was the money that they put down. 19 Q. And the receipt was for money that was put down 20 in the transaction, correct? 21 A. Correct. 22 Q. And by deal jacket, you mean the deal jacket for 23 Farah Francois; is that correct? 24 A. That is correct. 25 Q. And how much money was put down, per the receipts	Page 26 1 DAVID PEREZ 2 that correct? 3 A. Yes. 4 Q. Was there license for anyone else, other than 5 Ms. Francois in the deal jacket that you reviewed in 6 preparation for your deposition today? 7 A. Yes. 8 Q. How many other licenses were in the deal jacket? 9 A. One more. 10 Q. And who was that license for? 11 A. I don't recall the name. 12 Q. Was it Emmanuel Laforest? 13 A. Yes. 14 Q. And by license, you mean his New York City 15 driver's license; is that right? 16 MR. GOODMAN: New York State. 17 A. New York State. 18 Q. Correct. Okay. 19 Were there any credit applications in the deal 20 jacket that you reviewed? 21 A. Yes. 22 Q. Tell me about it. 23 Was it a screen shot? 24 Was that a signed document? 25 What was it?

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1 DAVID PEREZ		1 DAVID PEREZ
2 A. I don't understand the question.		2 MR. GOODMAN: How did he meet --
3 Q. When you say it was a credit application that you		3 MR. KESHAVARZ: Let me strike that.
4 reviewed, what does it look like?		4 Q. How did you retain Mr. Goodman to represent you
5 Does it look like a computer screen?		5 in this action?
6 Does it look like a document that's filled out by		6 MR. GOODMAN: Object to form.
7 hand?		7 Go ahead.
8 What do you mean by credit application?		8 A. I was contacted by him.
9 A. Document filled out by hand.		9 Q. You didn't have any contact with Mr. Goodman
10 Q. How many credit applications were there in the		10 before he contacted you to represent you; is that
11 deal jacket?		11 correct?
12 A. One paper, two apps.		12 A. That is correct.
13 Q. When you say one paper, what do you mean?		13 Q. Do you have a written retainer agreement with
14 A. One piece of paper.		14 Mr. Goodman?
15 Q. Is that a screenshot when you say two written		15 MR. GOODMAN: You can answer.
16 apps?		16 A. No.
17 A. No, sir. One credit app.		17 Q. Do you have any written agreement with
18 Sorry, one paper, two applications.		18 Mr. Goodman?
19 Q. I understand what a credit application is.		19 A. No.
20 When you say one paper, I don't understand what		20 Q. Did you pay Mr. Goodman anything to retain you in
21 you mean by one paper.		21 this matter?
22 What do you mean by that?		22 MR. GOODMAN: Objection.
23 A. One sheet of paper.		23 Don't answer.
24 Q. A blank sheet of paper?		24 MR. KESHAVARZ: Basis?
25 A. No, sir. One sheet of paper with an application		25 MR. GOODMAN: No basis.
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1 DAVID PEREZ		1 DAVID PEREZ
2 for a buyer and co-buyer.		2 Q. Are you going to answer the question, Mr. Perez.
3 Q. I see.		3 MR. GOODMAN: No. Put it on your list for
4 Were there any other documents in the deal jacket		4 later. We'll discuss it.
5 for Miss Francois that you reviewed?		5 MR. KESHAVARZ: That's fine.
6 A. I don't believe so.		6 Q. I'm just asking Mr. Perez, will you answer the
7 Q. Or even, if you didn't review it, were there any		7 question or no?
8 other documents in the deal jacket, other than what you		8 A. No.
9 testified to?		9 MR. KESHAVARZ: Mark it for a ruling.
10 A. I don't recall.		10 Q. Now, do you know if there's insurance coverage
11 Q. And did you review the documents in the deal		11 that might be covering any of the claims in any
12 jacket when you spoke with your attorney last Thursday?		12 judgments entered against you in this case?
13 A. Yes.		13 MR. GOODMAN: Objection. That's been dealt
14 Q. All right. Great.		14 with by the court as a matter of law, that questions
15 And you're represented by Mr. Goodman and		15 about insurance are not relevant and not part of this
16 Mr. Selve in this case; is that right?		16 case, at this point.
17 A. Yes.		17 Given the prior rules of the court, don't
18 Q. Did you retain them as your attorneys or were		18 answer the question.
19 they retained for you?		19 Q. Are you going to take your attorney's advice and
20 MR. GOODMAN: Objection to the form.		20 not answer?
21 If you understand, you can answer.		21 MR. GOODMAN: Could you take your hand away
22 A. I don't understand.		22 from your mouth?
23 Q. Well, how did you meet Mr. Goodman?		23 I can't understand you.
24 Maybe, let's start that way. That's a better way		24 Q. Are you not answering the question?
25 to approach it.		25 MR. GOODMAN: It's not -- I'm telling you,

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<p>1 DAVID PEREZ 2 as a matter of law, the insurance issue is off the table 3 and not part of this case. So it's not an appropriate 4 question to ask. And on that ground, we object, and I 5 direct the witness not to answer. 6 Q. And are you going to take your attorney's advice 7 and not answer the question? 8 A. Yes. I'm going to take his advice. 9 MR. KESHAVARZ: Mark it for a ruling. 10 Q. Let's go through your education and training. 11 Did you go to high school? 12 A. Yes, I did. 13 Q. When did you graduate from high school? 14 A. 2008. 15 Q. I won't tell you how old that makes me feel. 16 When did you start working in the field of car 17 dealerships? 18 A. 2013. 19 Q. What did you do between, for employment, between 20 2008 and 2013? 21 A. Worked various jobs. 22 Q. Unrelated to automobiles? 23 A. Unrelated. 24 Q. Unrelated to financing, at all? 25 A. No.</p>	<p>1 DAVID PEREZ 2 Hillside? 3 A. Yes. 4 Q. Was it the same title you had the entire time 5 that you worked there? 6 A. I don't understand. 7 Q. What was your title when you first started 8 working at Hillside? 9 A. Oh, sales associate. 10 Q. Were you still a sales associate when you left in 11 2014? 12 A. Yes. 13 Q. What was your main responsibility as a sales 14 associate at Hillside when you worked there from 2014? 15 A. Showed customers vehicles, gather their -- take 16 them for test drives, gather their information, give it 17 to the manager, and that's it. 18 Q. I apologize. There was a question I meant to ask 19 you before. So I'm just going to skip back. You have a 20 beard today. 21 Did you have a beard between May 2020 and 22 September 2020? 23 A. I don't remember. 24 Q. That's fine. 25 Did you gather information for financing while</p>
<p>1 DAVID PEREZ 2 Q. What was your first job in relation to 3 automobiles? 4 A. 2013. 5 Q. No. 6 What was it? 7 I'm sorry. 8 Where did you work? 9 A. At a car dealership in Queens. 10 Q. Which car dealership in Queens did you work 11 beginning in 2013? 12 A. Hillside Motors. 13 Q. There were two Hillside Motors, if I remember 14 correctly. 15 Do you remember the address of the Hillside 16 Motors that you worked in in 2013? 17 A. No, I don't remember it. 18 Q. Do you remember the full name of the Hillside 19 Motors dealership that you worked in in Queens in 2013? 20 A. No. 21 Q. When in 2013 did you begin working at Hillside? 22 A. Don't remember. 23 Q. And when did you cease working at Hillside? 24 A. 2014 some time. 25 Q. Did you have a title while you worked at</p>	<p>1 DAVID PEREZ 2 you worked as a sale associate? 3 A. Yes. 4 Q. What information would you gather for financing? 5 A. The credit app. 6 Q. Well, let me go through it one at a time. 7 After you left Hillside in 2014 -- why did you 8 leave, first of all? 9 A. Better opportunity. 10 Q. Where did you go when you left Hillside? 11 A. Nemet Hyundai. 12 Q. Can you spell that? 13 A. N as in Nancy, E as in Edward, M as in Mary, E as 14 in Edward, T as in Thomas. Hyundai, that's H as in 15 Harry, Y-U-N as in Nancy, D-A-I. 16 Q. And you worked at Nemet Hyundai beginning 2014; 17 is that correct? 18 Oh, let me rephrase that. 19 When did you start working at Nemet Hyundai? 20 A. I don't recall. 21 Q. Because you said you worked at Hillside from 2013 22 to 2014, correct? 23 A. Yeah. 24 Q. And did you go straight from Hillside to Nemet 25 Hyundai?</p>

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1	DAVID PEREZ	1	DAVID PEREZ
2	A. Yes.	2	Q. And you weren't fired from Hillside, either?
3	Q. If you left Hillside in 2014, does that mean you	3	A. I was not fired.
4	started at Nemet Hyundai in 2014?	4	Q. When you left Nemet Hyundai in 2015, where did
5	A. Yes.	5	you go?
6	Q. When did you work at Nemet Hyundai until?	6	A. Great Neck Nissan.
7	A. You're asking for a month?	7	Q. And where is Great Neck Nissan?
8	I don't --	8	A. Great Neck, New York.
9	Q. A year. Give me a year.	9	Q. You're talking from someone from Brooklyn.
10	A. How long?	10	Anything outside of Brooklyn is -- and you started
11	Q. Yeah. You started in 2014.	11	working at Great Neck -- I'm sorry.
12	What year did you leave -- cease working there?	12	Great Neck what?
13	A. 2015, maybe. Yeah, 2015.	13	A. Nissan.
14	Q. And what was your title at Nemet Hyundai?	14	Q. Nissan. Thank you.
15	A. Sales associate.	15	And you started working at Great Neck Nissan in
16	Q. And did you have the same responsibilities at	16	2015 when you left Nemet?
17	Nemet Hyundai as you did at Hillside?	17	A. Yes.
18	A. Yes.	18	Q. And when did you work -- when did you work there
19	Q. Where did you work from after you left Nemet --	19	until?
20	strike that.	20	What year?
21	Why did you cease working at Nemet Hyundai?	21	A. Some time in 2016.
22	A. Better opportunity.	22	Q. And what was your title at Great Neck Nissan?
23	Q. Did you have -- let me skip back.	23	A. Sales associate.
24	When you were at Hillside, did you have -- were	24	Q. Did you have the same responsibilities,
25	any complaints against you by customers about the work	25	basically, at Great Neck Nissan as you did at Nemet and
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1	DAVID PEREZ	1	DAVID PEREZ
2	you were doing?	2	Hillside?
3	MR. GOODMAN: Object to the form.	3	A. Yes.
4	Go ahead.	4	Q. While you worked at Great Neck Nissan, were there
5	A. No.	5	any complaints about any customers alleging that you
6	Q. No one complained that you acted in some sort of	6	dealt with them unfairly or deceptively in the sales and
7	deceptive manner or unfair manner?	7	financing of vehicles?
8	No consumer ever indicated that?	8	MR. GOODMAN: Objection to form.
9	MR. GOODMAN: Objection to form.	9	Go ahead.
10	Go ahead.	10	A. No.
11	A. No.	11	Q. Why did you leave Great Neck Nissan?
12	Q. And while you worked at Nemet Hyundai, were there	12	A. Better opportunity.
13	any complaints that you did anything improper in	13	Q. Were you terminated at Great Neck Nissan?
14	relation to any customer --	14	A. No, I was not.
15	MR. GOODMAN: Objection to form.	15	Q. Where did you work next after you left Great Neck
16	Go ahead.	16	Nissan?
17	Q. -- in the sales or financing of a vehicle?	17	A. Went back to Nemet Hyundai.
18	MR. GOODMAN: Object to form.	18	Q. So you went back to Nemet Hyundai in 2016; is
19	Go ahead.	19	that right?
20	A. No.	20	A. That is correct.
21	Q. Why did you -- and you left Nemet to pursue	21	Q. And when did you work -- you worked at Nemet
22	another opportunity, right?	22	Hyundai again from 2016 until when?
23	A. That is correct.	23	A. I want to say, like, towards, like, the end of
24	Q. You weren't fired?	24	2016. I don't recall.
25	A. No.	25	Q. Late 2016?

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1	DAVID PEREZ	1	DAVID PEREZ
2	A. Yeah.	2	Q. Where did you go after you left White Plains
3	Q. From September, October, November?	3	Hyundai at the end of 2017?
4	Something like that?	4	A. Victory Mitsubishi.
5	A. Something like that. I don't recall.	5	Q. And you worked at Victory Mitsubishi at the end
6	Q. And were you -- what was your title at Nemet	6	of 2017 until June -- until when?
7	Hyundai when you went back?	7	A. June 2021.
8	A. Sales associate.	8	MR. GOODMAN: Did you want to correct
9	Q. Did you have the same responsibilities,	9	something about when you started at Victory?
10	basically, as a sales associate when you went back as	10	You started to say something.
11	when you left?	11	THE WITNESS: No.
12	A. Yes.	12	MR. GOODMAN: Okay. Sorry.
13	Q. Were there any complaints about your treatment of	13	Q. So you started working at Victory on June -- the
14	any customers while you worked there, in terms of being	14	end of 2017.
15	deceptive or unfair in the sales or financing of	15	And you worked there continuously until June
16	vehicles?	16	2021; is that correct?
17	MR. GOODMAN: Object to form.	17	A. That is correct.
18	Go ahead.	18	Q. And what was the address of the -- that you
19	A. No.	19	worked out of at Victory?
20	Q. And where did you go after you left Nemet Hyundai	20	A. 4070 Boston Road, Bronx, New York 10477, if I'm
21	in late 2016?	21	not mistaken.
22	A. White Plains Hyundai.	22	Q. Tell me the name of the street again.
23	Q. And when did you work at White Plains Hyundai?	23	4070, what was the street?
24	A. Like, 20- -- ending of 2017.	24	A. Boston Road.
25	Q. End of 2017?	25	Q. Boston?
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1	DAVID PEREZ	1	DAVID PEREZ
2	A. Uh-huh.	2	A. B-O-S-T-O-N.
3	Q. You have to say "Yes" or "No" for the court	3	Q. And that was the same address the entire time you
4	reporter.	4	worked there; is that right?
5	A. Yes.	5	A. Correct.
6	Q. And were you sales associate there, as well?	6	Q. And what was your title at the dealership back
7	A. Yes, I was.	7	then at Victory Mitsubishi?
8	Q. And were your job responsibilities, essentially,	8	A. For a time, I was a sales associate.
9	the same at White Plains Hyundai as all the other	9	Q. For what period of time?
10	dealerships you previously worked at?	10	A. Yes.
11	A. Yes.	11	Q. For what period of time?
12	Q. And where did you -- were there any complaints	12	A. I want to say, like, five, six months.
13	while you worked at White Plains Hyundai that you	13	Q. Is that five or six months when you first started
14	treated any customers unfairly or deceptively in the	14	working until the end of 2017?
15	sales or financing of vehicles?	15	A. From when I first started working, yes.
16	MR. GOODMAN: Object to form.	16	Q. And were your responsibilities as a sales
17	Go ahead.	17	associate for the five or six months -- that was your
18	A. No.	18	title at Victory Mitsubishi beginning in the end of
19	Q. Where did you go when you ceased working --	19	2017.
20	strike that.	20	Were those responsibilities the same as at the
21	Were you terminated when you left White Plains	21	prior dealerships?
22	Hyundai?	22	A. Yes.
23	A. No, I was not.	23	Q. Your title -- and after five or six months at
24	Q. Why did you leave?	24	Victory Mitsubishi, your title changed?
25	A. Better opportunity.	25	A. Yes, it did.

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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. What did your title change to?	2	MR. GOODMAN: Object to form.
3	A. Sales manager.	3	Go ahead.
4	Q. And did your -- you were the sales manager from	4	A. I don't know if the owner was recording or not.
5	2018 until you left in June 2021?	5	Q. As far as you know, while you worked at Nemet
6	A. That's correct.	6	Hyundai were there any video or audio recordings of any
7	Q. Now, were there ever any complaints that you	7	of the customer transactions at that dealership?
8	treated any consumer inappropriately or deceptively in	8	A. I wouldn't know.
9	the sales or financing of any vehicle while you worked	9	Q. While you worked at Great Neck Nissan for 2015 to
10	at Victory Mitsubishi from the end of 2017 to June 2021?	10	2016, were there ever any audio or video recordings of
11	MR. GOODMAN: Object to form.	11	11 consumers at the dealership?
12	Go ahead.	12	A. I wouldn't know.
13	A. No that I know of.	13	Q. While you worked at Nemet Hyundai for 2016 to
14	Q. Were you the only person with the name Perez who	14	14 late 2016, were there any audio or video recordings of
15	worked at Victory Mitsubishi from the end of 2017	15	any of the customers there?
16	through June 2021?	16	A. I wouldn't know.
17	A. Not that I recall.	17	Q. Or any of the staff there?
18	Q. You don't recall anyone else with the last name	18	Do you know if they recorded those?
19	Perez during that time period; is that right?	19	MR. GOODMAN: Object to form.
20	A. That is correct.	20	Go ahead.
21	Q. So let's take it one at a time.	21	A. I wouldn't know.
22	When you're sales associate for the five to six	22	Q. Same thing for White Plains Hyundai from late
23	month, what are your responsibilities as a sales	23	2016 to end of 2017, were there any audio or video
24	associate for that period of time?	24	recordings at the dealership then?
25	MR. GOODMAN: Asked and answered.	25	A. I wouldn't know.
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1	DAVID PEREZ	1	DAVID PEREZ
2	You asked him if it was the same as the	2	Q. At Victory Mitsubishi, for any period of time
3	other dealerships, and he said --	3	from end of 2017 through June of 2021, were there ever
4	MR. KESHAVARZ: Right. But I didn't go into	4	any audio or video recordings of anyone at the
5	a lot of detail with the other dealerships, so. I	5	dealership?
6	didn't go into any particular amount of detail with	6	MR. GOODMAN: Object to the form.
7	other dealerships, so.	7	Go ahead.
8	Q. While you worked at Victory Mitsubishi as a sales	8	A. Yes.
9	associate, what were the main responsibilities?	9	Q. Tell me about that.
10	A. Show customers the car, take them on a test	10	MR. GOODMAN: Object to the form. Calls for
11	drive, if I have to, gather information and give it to	11	narrative. Object to the form of that question.
12	the manager.	12	Q. You can answer.
13	Q. When you worked at Hillside -- sorry, I apologize	13	A. There's cameras in the offices.
14	for jumping back -- were any of the transactions	14	Q. And which offices?
15	recorded -- sales or financing of the vehicles get	15	A. Finance.
16	recorded?	16	Q. There's cameras -- video and audio recordings?
17	MR. GOODMAN: Object to the form.	17	A. I wouldn't know.
18	Recorded in what manner?	18	Q. But you see video cameras in the finance office,
19	MR. KESHAVARZ: In any way.	19	correct?
20	Q. Video?	20	A. That is correct.
21	Audio?	21	Q. And there, at least, video recordings at the
22	Were there any recordings, at all, while you	22	finance office, correct?
23	worked at Hillside?	23	MR. GOODMAN: Objection.
24	A. I wouldn't know.	24	Go ahead.
25	Q. Why wouldn't you know?	25	A. I wouldn't know.

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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. So where else are there cameras in the	2	MR. KESHAVARZ: Strike that.
3	dealership, other than the finance office?	3	Q. Well, you have video cameras. I assume video
4	A. I'm sorry. I didn't understand the question.	4	cameras were recording videos at the dealership. They
5	Q. You said there were video cameras in the finance	5	weren't just there for looks.
6	office of the dealership when you worked end of 2017	6	MR. GOODMAN: Object to form.
7	through June 2020; is that correct?	7	If you know.
8	A. That's correct.	8	A. That's above my pay grade. I don't know.
9	Q. Where else are there -- were there video cameras	9	Q. Well, why are the cameras there, if they're not
10	at Victory Mitsubishi when you worked there?	10	recording anything, as far as, you know?
11	MR. GOODMAN: If anywhere.	11	MR. GOODMAN: Object to form.
12	Object to form.	12	A. I don't know.
13	Go ahead.	13	Q. Did you believe you were ever being recorded,
14	A. I would say, pretty much, anywhere.	14	video recorded, while you worked at the dealership?
15	Q. So --	15	MR. GOODMAN: Object to form.
16	MR. GOODMAN: He wasn't done with his	16	Go ahead.
17	answer.	17	A. Yeah.
18	Go ahead.	18	Q. When did you believe that?
19	Q. I apologize.	19	For the entire time you worked there from 2017 to
20	Go ahead.	20	June 2021?
21	A. On the lot looking at the cars. And then just,	21	A. Yes.
22	like, in the main showroom.	22	Q. And why did you believe that?
23	Q. When you were talking with customers, were those	23	MR. GOODMAN: Objection.
24	transactions being recorded -- video recorded?	24	Go ahead.
25	MR. GOODMAN: Object to form.	25	A. Because I see the camera up there.
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1	DAVID PEREZ	1	DAVID PEREZ
2	Go ahead.	2	Q. And did you believe that you were also being
3	A. I wouldn't know.	3	audio recorded?
4	Q. But if you're in the dealership, physically in	4	MR. GOODMAN: Objection.
5	the dealership -- you walk into the dealership. You	5	Go ahead.
6	talk about the sales and financing of a vehicle.	6	A. I wouldn't know.
7	That entire process, there'd be a video	7	Q. But did you feel -- if someone's recording you by
8	recording; is that right?	8	video, did you feel -- and you feel like you were being
9	MR. GOODMAN: Object to form.	9	recorded, because they were there, did you believe that
10	Go ahead.	10	you were also being audio recorded, at the same time?
11	A. I wouldn't know.	11	MR. GOODMAN: Objection.
12	Q. Let me rephrase that.	12	Go ahead.
13	From when a consumer walked into the dealership	13	A. No.
14	and goes through all the financing, there would be a	14	MR. GOODMAN: Hey, Ahmad. When you reach a
15	video camera capable of taking videos during that whole	15	point that you're comfortable, I could use a five-minute
16	process, right?	16	break, the witness and I.
17	MR. GOODMAN: Objection to form.	17	MR. KESHAVARZ: Okay. You want to take a
18	Go ahead.	18	break for five minutes?
19	A. Yes.	19	MR. GOODMAN: Right now. Yeah, that's fine.
20	Q. And do you know why -- strike that.	20	MR. KESHAVARZ: It's 12:13.
21	And were those video cameras used, at any point,	21	MR. GOODMAN: We'll come back at 12:20.
22	in the dealership?	22	MR. KESHAVARZ: 12:20 it is.
23	MR. GOODMAN: Were they used?	23	(A recess was taken at 12:14 p.m.)
24	Object to form.	24	Q. You mentioned main showroom.
25	Go ahead.	25	Are there any other showrooms at the dealership?

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1	DAVID PEREZ	1	DAVID PEREZ
2	A. Sorry. I don't understand the question.	2	What would you do, and how would what change when
3	Q. You mentioned -- you said there were cameras in	3	you were a sales manager?
4	the main showroom; is that right?	4	MR. GOODMAN: The process of selling a
5	A. Yeah. In the building.	5	vehicle?
6	Q. When you said main showroom, I want to know if	6	Is that the process you're talking about?
7	there were other showrooms or no?	7	Objection to form.
8	A. No.	8	Q. Your role as a sales associate, what was your
9	Q. Who would know about what was recorded at the	9	role?
10	dealership while you worked there, if it wasn't you?	10	You know, walk me through the steps when a
11	MR. GOODMAN: Object to form.	11	customer comes in and a customer leaves with a car while
12	Go ahead.	12	you were a sales associate at the dealership.
13	A. Stavros.	13	MR. GOODMAN: Asked and answered.
14	Q. Anyone else?	14	Go ahead.
15	A. Not that I know of.	15	A. They would walk in. I'd greet them, check them
16	Q. How do you know he would know?	16	in, find out what kind of vehicle they were looking for,
17	MR. GOODMAN: Object to form.	17	show them the car. Then go on a test drive, if they
18	Go ahead.	18	wanted a test drive. Gather their information, as far
19	A. He's my boss.	19	as, a credit app, and give it to the manager. And from
20	Q. I know.	20	there, he takes over.
21	But how do you know he would know about the video	21	Q. By manager, do you mean sales manager?
22	recordings at the dealership?	22	Do you mean general manager.
23	MR. GOODMAN: You're asking him for the	23	What do you mean by manager?
24	processes of Stavros' mind?	24	A. Sales manager, general manager -- the manager.
25	Objection.	25	Q. Well, when you started working there as an
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1	DAVID PEREZ	1	DAVID PEREZ
2	MR. KESHAVARZ: No. I mean, you said he	2	associate, who were the managers of the dealership?
3	knows because he's your boss, but Emma's my boss and she	3	A. Stavros.
4	doesn't know everything about me.	4	Q. Anyone else?
5	Q. So I'm just wondering what about him being your	5	A. No.
6	boss makes you think that he knows about the video	6	Q. There are no other managers at the dealership
7	recording?	7	from end of 2017 through June 2021, other than Stavros;
8	Is he the top person in the whole office?	8	is that right?
9	Is that what you're saying?	9	MR. GOODMAN: Object to the form.
10	A. Yes.	10	A. Hold on.
11	MR. GOODMAN: Objection.	11	What was the question?
12	Go ahead.	12	Q. So you -- you said -- well, currently, Stavros is
13	A. He's everyone's boss.	13	the manager of the dealership, correct?
14	THE WITNESS: I don't understand the	14	A. Okay.
15	question.	15	MR. GOODMAN: Currently, you don't work
16	MR. GOODMAN: Don't worry about it.	16	there.
17	Q. So let's go through that. You started talking	17	A. One, I don't work there. But two, you asked me
18	about what you did as a sales associate when you began	18	when I was a sales associate. So I answered when I was
19	working at Mitsubishi.	19	a sales associate.
20	You started talking to customers as soon as they	20	Q. When you were a sales associate, Stavros Orsaris,
21	walked in; is that right?	21	what was his title?
22	A. That is correct.	22	A. Manager.
23	Q. What else, just when you're sales associate?	23	Q. General manager or sales manager or something
24	Why don't you just start from the beginning of	24	else?
25	the process to the end of the process.	25	A. All I knew is he was my manager.

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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. Were there any other managers at the dealership	2	Q. You said he was manager when you started.
3	when you first started working there?	3	He's not currently -- he wasn't the manager when
4	MR. GOODMAN: Object to the form.	4	you left, was he?
5	Go ahead.	5	A. Yeah.
6	A. Yes.	6	Q. Oh, I'm sorry.
7	Q. What other managers worked at the dealership when	7	He's the boss. Okay. When you say he's the
8	you started working there?	8	boss, he makes all the decisions at the dealership.
9	A. The finance manager.	9	Is that what you mean?
10	Q. And who was that?	10	MR. GOODMAN: Object to form.
11	A. Don't remember.	11	A. I don't know.
12	Q. Who was the finance manager when you left?	12	Q. Well, when you say he's the boss, what do you
13	A. We had Yessica. And that's all I can remember.	13	mean?
14	Q. So as far as you remember, the finance manager	14	A. He's my boss and finance.
15	when you left was Yessica Vallejo; is that right?	15	Q. So who else worked there at the dealership when
16	A. That's correct.	16	you first started working there?
17	MR. KESHAVARZ: For the court reporter,	17	You have Stavros. You have the finance manager
18	Y-E-S-S-I-C-A V-A-L-L-E-J-O.	18	whose name you don't remember.
19	Q. Other than when you first started working there,	19	Who else worked at the dealership?
20	other than the sales manager and Mr. Stavros -- no,	20	A. And other sales associates.
21	Stavros Orsaris, were there any other managers at the	21	Q. Do you know how many, about?
22	dealership when you first started working there?	22	A. Back then?
23	MR. GOODMAN: Object -- asked and answered.	23	No.
24	Go ahead.	24	Q. When you left, do you know about how many sales
25	A. Stavros was my manager.	25	associates there were?
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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. Well, you said there was a finance manager when	2	A. No.
3	you started working there, correct?	3	Q. Were there two?
4	A. Yeah.	4	Were there 20?
5	Q. What other managers were there?	5	Were there ten?
6	People with -- whose title was -- let me put it	6	Give me an idea.
7	to you this way.	7	MR. GOODMAN: If you know. Don't guess.
8	Who was above you when you were working as a	8	MR. KESHAVARZ: Strike that.
9	sales associate at the dealership, at Victory	9	Q. Were there more than two sales associates when
10	Mitsubishi, when you first started?	10	you left the dealership?
11	A. Stavros.	11	A. Yes.
12	Q. Anybody else above you?	12	Q. Were there more than ten sales associates when
13	A. And the finance manager.	13	you left the dealership?
14	Q. Anyone else above you?	14	A. Yes.
15	A. No.	15	Q. Were there more than 20 sales associates when you
16	Q. Okay. Got it.	16	left the dealership?
17	And when did Stavros Orsaris -- right, am I	17	A. No.
18	saying that right?	18	Q. So there was somewhere between 10 to 20 sales
19	A. Stavros Orsaris.	19	associate when you left the dealership, correct?
20	Q. When did Mr. Stavros leave Victory Mitsubishi, as	20	A. That is correct.
21	far as, you can recall?	21	Q. And were there about 10 to 20 sales associates
22	MR. GOODMAN: When did he leave, Stavros?	22	when you started working at the dealership?
23	MR. KESHAVARZ: Yeah.	23	A. No.
24	MR. GOODMAN: What's the question?	24	Q. Were there more or less?
25	I'm sorry.	25	A. I would say less.

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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. Somewhere between five and ten sales associates	2	A. That's it.
3	when you started working at the dealership?	3	Q. And when you started working there, other than
4	A. Yes.	4	Stavros, a finance manager, five to ten associates and
5	Q. Other than sales associates, what other -- well,	5	one porter and service people, were those all the people
6	when you left, what other titles were there for people,	6	who worked at the dealership when you started?
7	other than sales associates, manager and finance	7	MR. GOODMAN: That you know of.
8	manager?	8	A. Yes.
9	A. No other.	9	Q. And when you started, about 10 to 20 service
10	Q. There wasn't a comptroller?	10	people?
11	A. I wouldn't know.	11	A. I would assume. I don't know. I don't work for
12	Q. Have you ever heard that term before?	12	service.
13	A. I wouldn't know, sir.	13	Q. Any other change in the -- how many finance
14	Q. And when you started working at the dealership,	14	managers were there while you worked there?
15	was there anybody else who worked there, other than	15	MR. GOODMAN: Asked and answered.
16	Stavros as the manager, a finance manager and somewhere	16	Go ahead.
17	between five and ten associates?	17	A. One.
18	Were those about all the people who worked at the	18	Q. No, no, no.
19	dealership when you started there?	19	I mean, did that person -- I know there was one
20	A. Yes, that is correct.	20	person who started working as the finance manager when
21	MR. GOODMAN: You got to tell him.	21	you started working there, that you can't recall the
22	A. Oh, porters, like, the people that clean the	22	name, correct?
23	cars.	23	A. Correct.
24	Q. Okay. How many porters were there?	24	Q. Was that a man or a woman?
25	A. One.	25	A. It's a man.
Page 62		Page 64	
1	DAVID PEREZ	1	DAVID PEREZ
2	Q. And there was a porter there when you first	2	Q. And then when you left, there was a Yessica
3	started and also when you left?	3	Vallejo; is that right?
4	A. There was one when I started. And they hired	4	A. Yes.
5	more.	5	Q. Was there any other finance manager at Victory
6	Q. How many porters were there when you left?	6	Mitsubishi while you worked there?
7	A. Four.	7	A. Don't recall.
8	Q. Other than the manager Stavros, finance manager,	8	Q. Did Mr. Orsaris have any family members who
9	other sales associates and the porter, were there any	9	worked at the dealership, at some point?
10	other persons who worked at the dealership when you	10	A. Don't recall.
11	left?	11	Q. Do you know a person named Chris, maybe, Orsaris.
12	A. There's service.	12	Do you know the name of someone named Chris who
13	Q. Service is, like, car repairs?	13	worked in the dealership while you were there?
14	A. Yeah.	14	A. Don't recall.
15	Q. So they're mechanics there?	15	Q. All right. Fine.
16	A. Yes.	16	So after five to six months, you became a sales
17	Q. About how many?	17	manager, correct?
18	A. I'm sorry?	18	A. Correct.
19	Q. About how many people worked in service when you	19	Q. And was your title sales manager from late
20	left?	20	2017/early 2018 all the way through to when you left
21	A. I want to say between 10 and 20.	21	June 2021, when you left, was your title sales manager
22	Q. Anyone else work in the dealership when you left,	22	the entire time?
23	other than Stavros, a finance manager, other sales	23	A. I don't understand.
24	associates, the four porters and 10 to 20 service	24	Q. Sure. You were a sales associate for five or six
25	people?	25	months when you first started there, right?

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1	DAVID PEREZ	1	DAVID PEREZ
2	A. Correct.	2	Diane and Philip Argyropoulos?
3	Q. And then you became a sales manager, correct?	3	In what context did you hear them?
4	A. Correct.	4	A. I don't understand.
5	Q. And were you a sales manager the rest of the time	5	Q. Sure. You said you heard the name.
6	you were there?	6	Tell me about the context in which you heard the
7	A. Yes.	7	name.
8	Q. Who was the sales manager when you first started	8	You're at a bar drinking, you're at work, they
9	working at the dealership?	9	said, I need to get sign-off on Mr. Argyropoulos.
10	A. Stavros.	10	Tell me the context you said you heard the names.
11	Q. And was he both the sales manager and the manager	11	A. In conversation.
12	for the whole dealership when you first started working	12	Q. Where?
13	there?	13	Who?
14	A. I don't understand the question.	14	A. Stavros.
15	Q. Stavros is the main person at the dealership.	15	Q. And did Stavros have to get permission from
16	He's the main manager right now, right?	16	Mr. and Mrs. Argyropoulos for some items?
17	He runs the dealership?	17	MR. GOODMAN: Object to form.
18	A. I wouldn't know.	18	A. I don't know.
19	MR. GOODMAN: Objection to form.	19	Q. What did Stavros tell you about Mr. and
20	A. I wouldn't know.	20	Mrs. Argyropoulos?
21	Q. While you worked at the dealership, was he the	21	MR. GOODMAN: Objection.
22	main manager?	22	A. That he has to speak to them.
23	A. Yes.	23	Q. Why?
24	Q. When you worked at the dealership, was he the	24	A. Wouldn't know.
25	person in charge of the dealership?	25	Q. About what?
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1	DAVID PEREZ	1	DAVID PEREZ
2	A. Yes.	2	A. Wouldn't know.
3	Q. And there was a Philip Argyropoulos.	3	Q. What were you speaking to Stavros Orsaris about
4	Do you know how to say the last name, Mr. Perez?	4	when?
5	A. I wouldn't know who that is.	5	MR. GOODMAN: Objection.
6	Q. You wouldn't know who Philip Argyropoulos is?	6	Go ahead.
7	A. No.	7	A. Going out.
8	Q. You've never heard that name before?	8	Q. About what?
9	A. I've heard the name.	9	A. Us going out on a weekend. What we were going to
10	Q. And what is your understanding about who he is,	10	do on the weekend.
11	who Philip Argyropoulos is?	11	Q. Oh, by we you mean who?
12	MR. GOODMAN: Objection to form.	12	A. Myself and Stavros.
13	Go ahead.	13	Q. So you socially went out with Stavros Orsaris?
14	A. I've just heard the name. I don't know.	14	A. I'm sorry?
15	Q. He owns the dealership, Victory Mitsubishi,	15	Q. You went out socially with Stavros?
16	correct?	16	A. No, no, no, no. You're not understanding.
17	A. I wouldn't know, sir.	17	Q. What do you mean?
18	Q. Do you know a Diane Argyropoulos?	18	A. What I'm going to do separate from whatever he's
19	MR. GOODMAN: Do you know -- object to form.	19	going to do. We were just talking about our weekend
20	Go ahead.	20	plans.
21	A. I've heard the name.	21	Q. Did have to sign-off from Argyropoulos about you
22	Q. And is she owner at the dealership, as well?	22	taking off on the weekend?
23	MR. GOODMAN: Object to form.	23	MR. GOODMAN: Objection.
24	A. I wouldn't know, sir.	24	A. I wouldn't know.
25	Q. And in what context have you heard of the name of	25	MR. GOODMAN: Ridiculous.

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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. If there were any complaints at the dealership,	2	A. So my job as a sales manager, I had to guide the
3	3 would Stavros say he had to communicate with	3	3 sales people on the sale, like, if they had any
4	4 Argyropoulos?	4	4 questions. Help them out, you know, by answering them.
5	5 A. I wouldn't know.	5	5 Answer any question that the customers had. As well as,
6	6 Q. Have you ever met, to your knowledge, Mr. and	6	6 run credit and stuff.
7	7 Mrs. Argyropoulos?	7	7 Q. If they run credit and stuff, what is the other
8	8 A. Wouldn't know, sir.	8	8 stuff?
9	9 Q. You don't know if you've ever seen them before?	9	9 A. Pretty much, after I ran the credit, I had to
10	10 A. I don't know who they are.	10	10 give it to the finance manager to let them know, you
11	11 Q. But you know the name was mentioned by Stavros	11	11 know, what vehicle the customer was interested in, let
12	12 Orsaris on some occasions to you, correct?	12	12 them know the credit was ran, how much they're looking
13	13 MR. GOODMAN: Asked and answered.	13	13 to put down.
14	14 A. Yes.	14	14 Q. Anything else?
15	15 Q. But you're saying you don't know?	15	15 A. No.
16	16 MR. GOODMAN: Objection.	16	16 Q. Those were your major responsibilities as a sales
17	17 Q. You don't know who they are, is that what you	17	17 manager?
18	18 mean?	18	18 A. That's it.
19	19 MR. GOODMAN: Asked and answered. Move on	19	19 Q. Kind of sounds -- I haven't heard you say
20	20 to something relevant here, please.	20	20 anything as a sales manager that's different than a
21	21 Q. You can answer the question.	21	21 sales associate.
22	22 A. I don't know who they are, sir.	22	22 In what way are they different?
23	23 Q. In what other context did Stavros use the names	23	23 They sound the same to me.
24	24 Mr. and Mrs. Argyropoulos, other than weekend plans?	24	24 A. Sales associate, well, the biggest difference
25	25 MR. GOODMAN: Asked and answered.	25	25 with a sales associate would be that as a sales
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1	1 DAVID PEREZ	1	1 DAVID PEREZ
2	2 Don't answer again.	2	2 associate, I didn't have access to run or look at
3	3 We're not going to repeat every question.	3	3 people's credit.
4	4 Q. Other than weekend plans, in what other context?	4	4 Q. Do you know why that is?
5	5 MR. GOODMAN: He said that was the only	5	5 A. Well, my experience, because we're not allowed
6	6 context.	6	6 to.
7	7 How many times -- go ahead, please.	7	7 Q. Do you know why sales associates are not allowed
8	8 Go ahead.	8	8 to run people's credit?
9	9 A. That was the only time where he ever mentioned.	9	9 A. Privacy laws.
10	10 Q. On that one occasion?	10	10 Q. What's your understanding -- when you say privacy
11	11 A. Yes.	11	11 laws, what do you mean by that leads you to your belief
12	12 Q. When was that?	12	12 that a sales associate --
13	13 A. Huh?	13	13 MR. KESHAVARZ: I have someone at my door.
14	14 Q. When was that?	14	14 You don't have to go off -- you can stay online.
15	15 A. When did he mention them?	15	15 One second.
16	16 Q. Yes.	16	16 Q. You were saying that it's your belief that the
17	17 A. When we were talking about our weekend plans.	17	17 sales associates don't have -- aren't supposed to pull
18	18 Q. The day you left?	18	18 credit reports because of privacy laws.
19	19 When you first started working there?	19	19 What do you mean by that?
20	20 About when?	20	20 A. Well, from when I first started and the training
21	21 A. Oh, I don't recall.	21	21 that I got, I was told that I wasn't allowed to know or
22	22 Q. Okay. That's fine.	22	22 look at people's credit.
23	23 So what were your -- when you became a finance --	23	23 Q. Well, as a sales associate, would you give the
24	24 excuse me, sales manager, how did your responsibilities	24	24 consumer an idea about what the price of the vehicle
25	25 change from when you were an associate salesman?	25	25 would be?

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1	DAVID PEREZ	1	DAVID PEREZ
2	A. No.	2	Q. Where the video cameras are?
3	Q. As a sales associate, you wouldn't give -- you	3	MR. GOODMAN: Object to form.
4	wouldn't tell the consumer about what the price of a	4	Go ahead.
5	vehicle would be?	5	A. In the showroom.
6	A. That was my manager's job.	6	Q. And how much time would you the sales associates
7	Q. So -- okay.	7	normally spend with the customer before they had to go
8	Did you ask -- as a sales associate, did you ask	8	up to the sales manager?
9	the customer about how much they can put down?	9	A. Varies.
10	A. How much they were going to put down, yes.	10	Q. After they picked out a car they wanted, how long
11	That's one of the things I had to ask.	11	between then and when they speak to the sales manager?
12	Q. What else did you have to ask, as a sales	12	MR. GOODMAN: Object to form.
13	associate?	13	Go ahead.
14	A. If they needed help with the insurance. If they	14	A. It varies.
15	had, like, an insurance company, so I could provide them	15	Q. Varies in -- basically, what's the range?
16	with the VIN number of the vehicle. When were they were	16	In what way does it vary, in general terms?
17	looking to take the car home, whether today, tomorrow, a	17	A. Depending, I mean, depends on how busy we are, if
18	week from now.	18	they're looking or just pricing, if they're waiting for
19	Q. Well, anything else?	19	finance. It all depends.
20	Any other information you would gather as a sales	20	Q. Did the dealership regularly sell vehicles for
21	associate?	21	cash, in addition to financing?
22	A. No.	22	A. Yes.
23	Q. Now, the cars that the dealership had had prices	23	Q. And so when you became sales manager, did you
24	on their windows, right?	24	have an office?
25	A. Yes.	25	A. No.
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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. So when the customer asked you, as a sales	2	Q. You just had another desk on the sales floor?
3	associate, how much a car cost, you would tell them what	3	A. Podium.
4	the window sticker price was, didn't you?	4	Q. Did you have a chair?
5	A. No.	5	A. Yes.
6	Q. Well, okay.	6	Q. Did customers sit down when they were talking to
7	So if a customer asked you, as a sales associate,	7	you while you were at the podium as a sales manager?
8	what the price is, you wouldn't tell them?	8	A. No.
9	MR. GOODMAN: Asked and answered. Same	9	Q. So what would happen?
10	question three different ways.	10	What would -- so would the sales associate take a
11	Q. Go ahead.	11	customer to you, physically, or forward you the
12	A. No, I wouldn't. My sales manager does.	12	information?
13	Q. And would you tell -- did you ask the consumer	13	A. No.
14	about how much they could pay per month?	14	Q. No to which one?
15	A. No.	15	A. They wouldn't take a customer to me.
16	Q. You wouldn't ask?	16	Q. Did you deal with customers directly as a regular
17	A. No.	17	part of your job as a sales manager?
18	Q. So, physically, where did the sales associates	18	A. If I had questions for them, yes.
19	meet with customers?	19	Q. But, typically, would you meet with them in a
20	Is there a table where they can talk to the	20	typical sale with financing?
21	customers or are they, pretty much, standing the whole	21	A. Again, depends if I had questions or not.
22	time?	22	Q. What would you have questions about, typically
23	A. No. We sit down at a desk.	23	speaking?
24	Q. Where is the desk?	24	A. About the car they were just buying; if they
25	A. In the show room.	25	wanted a different one; if their credit, if they give

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<p>1 DAVID PEREZ</p> <p>2 specific instructions; you know, like, they say, I only</p> <p>3 want to want to go through so and so. I would have to</p> <p>4 relay that information to my finance manager. My</p> <p>5 finance manner would then tell me, hey, this doesn't</p> <p>6 look like it's going to work out.</p> <p>7 I would go back to the customer and say, hey, you</p> <p>8 know, this might not work out. Can we do something</p> <p>9 else?</p> <p>10 Q. Would you be the person that would go back to the</p> <p>11 customer?</p> <p>12 A. Either myself or the sales associate.</p> <p>13 Q. Typically, would it be you or the sales associate</p> <p>14 or just varies?</p> <p>15 A. It varies on what it is.</p> <p>16 Q. And -- but as the sales manager, you'd be the one</p> <p>17 that would run the credit; is that right?</p> <p>18 A. Yes. I run the credit first.</p> <p>19 Q. But you wouldn't have the consumer in front of</p> <p>20 you when you ran the credit; is that right?</p> <p>21 A. No, I wouldn't have the consumer in front of me.</p> <p>22 Q. Would you have a physical piece of identification</p> <p>23 with you when you ran someone's credit report?</p> <p>24 A. Yes. It's required by law.</p> <p>25 Q. What document would you have?</p>	<p>1 DAVID PEREZ</p> <p>2 pulling, who made that decision?</p> <p>3 MR. GOODMAN: Object to form.</p> <p>4 A. It's been like that since 2013.</p> <p>5 Q. So I guess -- you answered this question before,</p> <p>6 but I guess I didn't understand it. So let me ask it</p> <p>7 again.</p> <p>8 How would know that the person -- strike that.</p> <p>9 You wouldn't know -- you, personally, wouldn't</p> <p>10 know if the person who's physically at the dealership is</p> <p>11 the same person whose credit report you're pulling.</p> <p>12 You personally wouldn't know that, right?</p> <p>13 MR. GOODMAN: Object to form.</p> <p>14 A. We would know, because we verify the person</p> <p>15 that's sitting there matches the ID, sir.</p> <p>16 Q. By we you mean the sales associate?</p> <p>17 A. Correct.</p> <p>18 Q. And how do you know that that sales associate</p> <p>19 does that?</p> <p>20 A. Because they're trained to.</p> <p>21 Q. They're supposed to?</p> <p>22 A. They're trained to.</p> <p>23 Q. But if the sales associate gave you a driver's</p> <p>24 license of someone who wasn't there, then, typically,</p> <p>25 you wouldn't know if that person was, in fact, at the</p>
<p>1 DAVID PEREZ</p> <p>2 When you say the identification, you mean a</p> <p>3 driver's license?</p> <p>4 A. Driver's license, New York State ID and the</p> <p>5 physical red credit app with their signature on it.</p> <p>6 Q. Well, how do you know that person who's at the</p> <p>7 dealership is the same person who you have the ID for?</p> <p>8 A. I'm not understanding the question.</p> <p>9 Q. So if you get an ID and you run a credit report,</p> <p>10 you don't know if that same person is the person at the</p> <p>11 dealership; is that right?</p> <p>12 MR. GOODMAN: Object to form.</p> <p>13 A. So I would know, if it's them or not.</p> <p>14 Q. What do you mean?</p> <p>15 A. Because we're all trained to make sure that the</p> <p>16 customer sitting in front of us, that's giving us that</p> <p>17 credit app, matches the license.</p> <p>18 Q. But you don't do that?</p> <p>19 MR. GOODMAN: Object to the form.</p> <p>20 Go ahead.</p> <p>21 A. No.</p> <p>22 Q. Why not?</p> <p>23 A. Because that's the salesperson's job.</p> <p>24 Q. And who made the decision that you don't have to</p> <p>25 see the person, that customer whose credit report you're</p>	<p>1 DAVID PEREZ</p> <p>2 dealership, right?</p> <p>3 MR. GOODMAN: Object to form.</p> <p>4 Go ahead.</p> <p>5 A. They would be fired.</p> <p>6 Q. But what I'm asking is, if a sales associate</p> <p>7 gives you a driver's license and says this person wants</p> <p>8 to buy a car, you wouldn't know, yourself, if that</p> <p>9 person was, in fact, at the dealership or not, right?</p> <p>10 MR. GOODMAN: Object to form.</p> <p>11 Go ahead.</p> <p>12 A. Yes, we would, sir. We verify information.</p> <p>13 Q. But you, personally, wouldn't know.</p> <p>14 MR. GOODMAN: Objection.</p> <p>15 A. We verify information, sir.</p> <p>16 Q. The sales associate -- you're saying, the sales</p> <p>17 associate is trained to verify that the person in front</p> <p>18 of them is the person who's giving the driver's license;</p> <p>19 is that right?</p> <p>20 A. That's correct.</p> <p>21 Q. But when -- is it the sales associate that brings</p> <p>22 over the driver's license to you?</p> <p>23 A. That is correct.</p> <p>24 Q. But you personally, standing there in your</p> <p>25 podium, you run the credit report -- you run the credit</p>

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1	DAVID PEREZ	1	DAVID PEREZ
2	report while standing at that podium, right?	2	A. When you say basis, you mean?
3	MR. GOODMAN: Objection.	3	Q. Any other basis for you to believe that the
4	Go ahead.	4	person at the dealership is the same person whose
5	A. Yes.	5	driver's license is given to you and signed credit
6	Q. But you, personally, Mr. Perez, you're running	6	application?
7	someone's credit report. Someone gives -- your sales	7	Other than the training of the sales associate,
8	associate gives you a license, you personally,	8	that is the only basis you have for believing the person
9	Mr. Perez, wouldn't know if that person's actually at	9	at the dealership is the same person as the driver's
10	the dealership.	10	license, right?
11	You personally wouldn't know; is that right?	11	MR. GOODMAN: Object to form.
12	A. I would.	12	A. Well, also, we go and talk to them.
13	Q. Because the associate is -- you're inferring	13	Q. Well, assuming you go talk to him or her.
14	that, because the associate is giving you the license.	14	But, typically, you don't, right?
15	Is that the basis for it?	15	MR. GOODMAN: Objection. Mischaracterizes.
16	A. No. The associate's giving me a signed credit	16	Form.
17	app with the person's license.	17	Q. Go ahead, you can answer.
18	Q. But that doesn't tell me if the person is there.	18	A. We go and talk to them when we have to, sir.
19	Other than -- so you're saying, if there is a	19	Q. But for a typical deal, you wouldn't go and meet
20	signed credit app and there's a driver's license given	20	with the consumer in a typical deal, right?
21	to you, you're assuming that the person whose driver's	21	MR. GOODMAN: Objection to form, what's
22	license is the person at the dealership.	22	typical.
23	Your just assuming that, right?	23	Q. You can answer.
24	A. I'm not assuming that, sir.	24	A. If it's a cash deal, no.
25	Q. You don't know personally if that's true, right?	25	Q. If it's a financing deal, typically, you wouldn't
1	DAVID PEREZ	1	DAVID PEREZ
2	A. Yes, I would.	2	go and see the customer personally, right?
3	Q. Huh?	3	MR. GOODMAN: Object to form.
4	A. I would know.	4	A. If I have to, sir.
5	Q. How would you know from your own personal	5	Q. If you have to.
6	knowledge that the person who came to the dealership,	6	But, typically, you don't, right?
7	signed a credit application and gave a driver's license	7	MR. GOODMAN: Object to form.
8	is the same person who's at the dealership?	8	A. I have to all the time.
9	How would you personally know that?	9	Q. So you have to -- so are you saying now that in
10	A. Because from my experience, I wouldn't give	10	every sales transaction with financing, that you have to
11	somebody my Social Security number and my ID to go run	11	go did physically meet the person --
12	the credit, in my experience.	12	A. No.
13	Q. Any other basis for believing that the person	13	Q. -- who's signing the contract and bringing the
14	whose driver's license the --	14	driver's license; yes or no?
15	(Simultaneous cross talk.)	15	A. No, sir. In a typical deal --
16	Q. Wait. Wait for the question.	16	Q. Yes.
17	Do you have any other basis for believing that	17	A. -- wouldn't have to. In a typical deal, there's
18	the person whose driver's license and signed credit	18	always something that needs to be asked that I have to
19	application given to you by the associate is actually at	19	go and ask.
20	the dealership?	20	Q. Such as?
21	You have any other basis for believing that,	21	A. Well, the bank may ask if they have proof of
22	other than what you just testified to in the last	22	residence or proof of income or if they can do more
23	question?	23	money down.
24	A. Yes, sir. They're trained.	24	Q. Any other reason you would typically go and
25	Q. Any other basis?	25	physically see the consumer?

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1	DAVID PEREZ	1	DAVID PEREZ
2	A. No.	2	So when you were at Victory Mitsubishi, was a
3	Q. Now, you said if salesmen gave you a driver's	3	sales associate ever fired for giving a driver's license
4	license and signed credit application for someone who is	4	and signed credit application for a consumer, in fact,
5	not physically at the dealership, that they would be	5	not the one at the dealership; yes or no?
6	fired.	6	A. Not that I can recall.
7	How do you know that?	7	Q. So it might have happened, but you're not sure.
8	A. How do I know?	8	It might have happened at Victory Mitsubishi, but
9	Q. That they would be fired.	9	you're not sure; is that correct?
10	A. Because that has happened before.	10	MR. GOODMAN: Object to form.
11	Q. When has it happened before?	11	Go ahead.
12	A. At my previous jobs at Victory.	12	A. Not that I can recall.
13	Q. And you said jobs.	13	Q. So it might have happened, but you're just not
14	So your at Victory Mitsubishi, there are prior	14	sure; is that correct?
15	instances where the sales associate was fired because	15	MR. GOODMAN: Object to form.
16	they used the driver's license and signed credit	16	A. Not that I can recall, sir.
17	application of someone who wasn't actually physically at	17	Q. I know. Not that I recall -- let me be very
18	the dealership; is that correct?	18	specific.
19	A. That's correct.	19	Are you saying that someone at Victory Mitsubishi
20	Q. How many times has that happened?	20	could have been fired while you were working there for
21	A. How many times has someone been fired?	21	using a credit application and driver's license for a
22	Q. Let me rephrase the question.	22	customer who, in fact, was not the customer at the
23	How many times, while you were at Victory	23	dealership?
24	Mitsubishi, has a sales associate or anyone been fired	24	You said that could have happened while you were
25	for the sales associate giving you a credit application	25	at the dealership; yes or no?
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1	DAVID PEREZ	1	DAVID PEREZ
2	and driver's license for someone who was actually not at	2	MR. GOODMAN: Object to form.
3	the dealership?	3	Mischaracterizes testimony.
4	How many times has that happened?	4	Go ahead.
5	A. I don't recall.	5	Q. Yes or no?
6	Q. More than twice?	6	A. No. No.
7	A. I don't recall.	7	Q. Now, you said at other dealerships, plural.
8	Q. So -- well, it happened at least once, right?	8	A. Correct.
9	MR. GOODMAN: Talking about at Victory or at	9	Q. What other dealerships was someone fired for
10	previous --	10	using -- running credit on someone who was, in fact, not
11	Q. At Victory Mitsubishi, when was, if ever, was	11	at the dealership?
12	someone fired for a transaction going forward when the	12	MR. GOODMAN: Object to form.
13	consumer was, in fact, not at the dealership --	13	Go ahead.
14	MR. GOODMAN: Object to the form.	14	A. I wouldn't know.
15	Q. -- but the driver's license and credit app for	15	Q. Well, you said it happened at -- you said people
16	somebody else was used?	16	were fired at other dealerships for doing that.
17	A. We wouldn't go through the transaction. We'll	17	Do you remember that testimony?
18	catch it beforehand.	18	A. That's what I was told.
19	Q. I understand.	19	Q. From whatever source, from what you were told by
20	You said in one instance a sales associate was	20	someone or some other source, at which dealerships was
21	fired for doing that, right?	21	someone at the dealership fired for pulling a credit
22	A. Previously, yes.	22	report for a customer who was actually not at the
23	Q. At Victory Mitsubishi, right?	23	dealership?
24	A. I told you at my previous jobs.	24	A. You're misunderstanding what I'm saying.
25	Q. Well, one previous job was at Victory Mitsubishi.	25	Q. Go ahead.

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1 DAVID PEREZ	Page 89	1 DAVID PEREZ	Page 91
2 A. When we're trained to gather the information as 3 sales associates, we are told, if we gather the 4 information of someone that's not physically here, and 5 we run the credit or do anything with that, we will get 6 fired.		2 A. Go over the rules, what they're supposed to do, 3 not supposed to do. After that, they would -- what we 4 call straddle or follow a seasoned sales rep so they 5 know what to ask for, what to do with their information 6 and what not to do.	
7 Q. Okay.		7 Q. Okay.	
8 A. The years that I sold cars, I never grabbed 9 somebody's information that wasn't there. If they 10 wanted to run their credit, they would have to come into 11 the dealership.		8 Anything else, in terms of training to make sure 9 that associates aren't breaking the law --	
12 Q. But sometimes that hasn't happened, right, at the 13 dealerships you worked with?		10 MR. GOODMAN: Object to form.	
14 A. That never happened, sir.		11 Q. -- such as pulling someone's credit report who's 12 not there?	
15 Q. I'm sorry?		13 A. No.	
16 A. At any of the dealerships I've ever worked at, 17 it's never happened. We don't run credit without the 18 person being physically there.		14 Q. Are any trainings in writing?	
19 Q. So you're saying, at none of the dealerships 20 you've worked at, it's never happened that any employee 21 of the dealership has ever had a credit pulled on a 22 consumer who is not the actual consumer physically at 23 the dealership?		15 A. No.	
24 You're saying that never happened at any of the 25 dealerships you've worked at; is that right?		16 Q. As far as you know, while you worked at Victory 17 Mitsubishi, was there ever any written document given to 18 any of the staff at the dealership about not improperly 19 pulling someone's credit report?	
	Page 90	20 A. The employee handbook.	
1 DAVID PEREZ	Page 90	21 Q. Do you know if there's an employee handbook at 22 Victory Mitsubishi while you worked there?	
2 MR. GOODMAN: Object to form.		23 A. Yes.	
3 Go ahead.		24 Q. Did you ever read the employee handbook at 25 Victory Mitsubishi while you worked there?	
4 A. That I know of, no.			
5 Q. And you said training.			
6 Who gives the training at Victory Mitsubishi for 7 associates, in terms of credit reports?			
8 MR. GOODMAN: Time frame?			
9 Q. While you worked there.			
10 A. The sales managers.			
11 Q. And that would be you.			
12 A. Correct.			
13 Q. Anyone else?			
14 A. No.			
15 Q. And did you ever give them instruction in 16 writing?			
17 Strike that. Let me rephrase that.			
18 How do you give trainings to sales associates to 19 make sure that they don't break the law, if any?			
20 MR. GOODMAN: Object to form.			
21 Go ahead.			
22 A. I would train them every day. They would have a 23 -- they will have a two- to three-week trial period.			
24 Q. Yes.			
25 And then what?			
	Page 92		
1 DAVID PEREZ	Page 92		
2 A. Don't recall.			
3 Q. Did you ever give the employee manual handbook to 4 any sales associates while you worked there?			
5 A. Yes.			
6 Q. Did you ever tell them anything from the employee 7 handbook?			
8 A. Yes.			
9 Q. But, in fact, is it true or not that there's no 10 written policy as to when to pull -- when and when not 11 to pull a consumer's credit report?			
12 There's, in fact, no document that you've seen at 13 the dealership that instructs about that issue; is that 14 correct.			
15 A. I wouldn't know.			
16 MR. KESHAVARZ: Why don't we take a break 17 for lunch. Half hour break.			
18 Is that enough time for everyone?			
19 MR. GOODMAN: I mean, I'd prefer less, and 20 let's just get this over with. Half hour.			
21 THE WITNESS: Me too.			
22 MR. GOODMAN: I mean --			
23 MR. KESHAVARZ: I have to get it over with, 24 too. But I think a half-hour break and get back on at 25 1:45.			

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1	DAVID PEREZ		DAVID PEREZ
2	Does that work for everyone?		2 Q. And then -- well, you did this for a living,
3	MR. GOODMAN: I suppose.		3 right?
4	How much more are you going to have after		4 You know all the papers that go in a deal, right?
5 1:45?			5 From 2017 to 2021, you would know the entire
6	MR. KESHAVARZ: I don't know. I don't know.		6 process for selling and financing a car, right?
7	(A recess was taken at 1:14 p.m.)		7 MR. GOODMAN: Object to form.
8	Q. Mr. Perez, while you worked at the dealership		8 A. I would.
9 from May -- time period of May 2020 forward, is there			9 Q. So you would know all the papers that get filled
10 anyone who worked at the dealership that has the			10 out and given to you and the process for the sale and
11 following description: Man, six-two, slender, caramel			11 financing of a car, right?
12 skin?			12 MR. GOODMAN: Object to form. Asked and
13 Is there anyone that worked there from May 2020			13 answered.
14 forward that meets that description?			14 A. I would.
15 A. I don't recall.			15 Q. So you know all the papers that the auto salesman
16 Q. How would you describe the height, weight, skin			16 would give you in the sale and finance of a car, right?
17 color of Mr. Stavros or Stavros?			17 MR. GOODMAN: Object to form. Asked and
18 What does he look like -- height, weight, skin			18 answered.
19 color, as far as, you can recall?			19 Go ahead.
20 A. He's about my height. Much slimmer than I am.			20 A. I would.
21 And little darker than I am.			21 Q. So I apologize if this is repeating myself,
22 Q. When you say your height, tell me that height			22 because we've done this a couple of hours earlier. Bear
23 again, please?			23 with me. We can go through this very quickly.
24 A. About five-five.			24 What information does the associate get from the
25 Q. Great. Thanks. Okay.			25 consumer and the associate give to you?
		Page 94	Page 96
1	DAVID PEREZ		DAVID PEREZ
2	By the way, do you know who the sales associate		2 A. The credit app, what vehicle they're interested
3 was for Miss Francois' deal?			3 in, copy of the license, how much they're looking to put
4 A. Not that I can remember.			4 down.
5 Q. How would you go about finding out who it was?			5 Q. Anything else that the associate would get from
6 A. I would have to look to the deal jacket. It			6 the consumer or otherwise give to you in a typical sale
7 should say.			7 and finance?
8 Q. We'll get to that in a few minutes. All right.			8 MR. GOODMAN: Object to form. Asked and
9 So when we started going through the steps in a			9 answered.
10 typical sale and finance, we went through the steps for			10 Go ahead.
11 the sales associate. They meet with the customer. They			11 A. Just those things I mentioned.
12 get information from the customer. They fill out -- the			12 Q. What information would be on the credit app?
13 associate fills out a credit application with the			13 A. Customer's name, date of birth, Social Security
14 customer, the sales associate?			14 number, address, where they're living at, phone number
15 A. Yes.			15 where to best contact them, appointment information, how
16 Q. The sales associate gets a copy of the driver's			16 long they've been there, how much they make, phone
17 license.			17 number for the job and their signature.
18 A. Correct.			18 Q. When the associate gives you the information,
19 Q. And the sales associate writes down the make,			19 does the associate, typically, have to verify any of the
20 model, VIN of the vehicle that customer's interested in.			20 information on the credit application?
21 A. That's correct.			21 MR. GOODMAN: Object to the form.
22 Q. And the customer -- in the credit application,			22 Go ahead.
23 does the associate fill out anything about the price of			23 A. Yes.
24 the vehicle?			24 Q. In what way is a sales associate supposed to
25 A. No. Not that I can remember.			25 verify the information on the credit application before

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Page 97	Page 99
1 DAVID PEREZ	1 DAVID PEREZ
2 the associate gives it to you?	2 had that auto or if there's any late payments.
3 A. That the person who filled out the credit app is	3 Q. Wait a minute. What are you -- I'm a little
4 the person they say they are.	4 turned around. I apologize. Because you do this in
5 Q. Anything else that the associate is supposed to	5 your industry, you know exactly everything you talk
6 verify before he or she gives the documents to you?	6 about. And I don't know a darn thing. So I apologize.
7 A. No.	7 You said negative standing.
8 Q. Now, so what happens when you get the documents	8 Is that information that you get from the
9 from the sales associate?	9 consumer's credit report?
10 What happens next?	10 You said you pull the credit report to see
11 MR. GOODMAN: Object to form.	11 previous auto, negative standing and late auto payments;
12 Go ahead.	12 is that right?
13 A. I run the credit, see what's on the credit.	13 A. So when you do a hard credit check, which is what
14 Depending on what I see, I let the customer know what	14 I'm doing when the customer comes and they sign the
15 I'm going to require, what I'm not going to require.	15 credit app, it gives me your whole history of what
16 Q. Do you do anything else after the associate gives	16 you've been doing with your credit.
17 you the information from the customer, other than run	17 Q. And what are you looking at that might raise a
18 the credit, see what's on the credit and see what is	18 red flag that would make you want to talk to the
19 required for a down payment?	19 customer?
20 MR. GOODMAN: Asked and answered.	20 A. As I previously stated, if there's any negative
21 Go ahead.	21 accounts, negative or any previous autos that went bad
22 A. If everything checks out, we give it to the	22 or any late payments.
23 finance manager, and the finance manager runs it to the	23 Q. And are you submitting this credit application to
24 bank.	24 prospective finance companies?
25 Q. You said if everything checks out for you.	25 A. I don't do the submitting. But the finance
Page 98	Page 100
1 DAVID PEREZ	1 DAVID PEREZ
2 What else -- I just want to make sure I'm	2 manager does.
3 covering everything you do in a typical sales finance.	3 Q. You just pull the reports?
4 You run the credit, see what's on the credit, see what's	4 A. That is correct.
5 required for the down payment.	5 Q. So tell me about -- and this is all done
6 Is there anything else that you do, at that	6 electronically, right?
7 point, in the sales and finance agreement?	7 MR. GOODMAN: Object to form.
8 A. Well, if I see something that I don't like on the	8 Go ahead.
9 credit, I'll ask them about it.	9 A. Yes.
10 Q. Anything else that you would do on a typical	10 Q. So how does that process work?
11 sales?	11 What's the interface you use, and how does it
12 A. That's about it.	12 work?
13 Q. When you say the same thing you didn't like about	13 Is it called Dealertrack or you tell me?
14 it, what do you mean?	14 A. Well, it's called Dealertrack. Pull up the
15 A. Like, a previous auto.	15 Dealertrack login, and you type in the information
16 Q. Previous what?	16 that's provided.
17 A. Auto.	17 Q. The information it asks for?
18 Q. Okay.	18 You said --
19 A. I'll ask them about it if it's, you know, a	19 A. Provided by the consumer.
20 negative standing or whether, you know, late payments.	20 Q. Sorry?
21 Anything like that.	21 A. The information provided by the consumer.
22 Q. You're saying negative standing?	22 Q. So -- and then what happens in the Dealertrack
23 A. Yes.	23 system?
24 Q. What do you mean by negative standing?	24 MR. GOODMAN: Objection to form.
25 A. So if the car was repossessed back whenever they	25 Go ahead.

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101-104

Page 101		Page 103	
1	DAVID PEREZ	1	DAVID PEREZ
2	A. It will run the credit.	2	Do you go to the finance manager's office and
3	Q. What other information would be on the	3	talk to him or her or how does that information go back
4	Dealertrack system?	4	and forth between you and the finance manager?
5	A. I'm sorry. I didn't understand the question.	5	A. So after I run the credit and see what I have to
6	Q. What other information would be on the	6	see, I give them the folder or the file with the
7	Dealertrack system during the course of the sales and	7	customer's information, how much they're looking to put
8	financing of a vehicle?	8	down. That way, they can start working on the deal.
9	A. Their job info. The bank approval.	9	Q. When you start working the deal, what do you
10	Q. What other information would be available through	10	mean?
11	Dealertrack in a typical sales and finance?	11	A. Well, they got to send it to the bank.
12	MR. GOODMAN: Asked and answered.	12	Q. So you go with the physical file.
13	Go ahead, again.	13	And that's the documents that are in the deal
14	A. Bank approval.	14	jacket; is that right?
15	Q. That's all the information you have up to that	15	A. That is correct.
16	point, right?	16	Q. And did you say you physically bring that
17	A. That's correct.	17	information over to the finance manager?
18	Q. So what's the next step in a typical sales and	18	A. Yes.
19	financing of a vehicle?	19	Q. And in May 2020 forward, that finance manager was
20	A. Once we have the approval, the customer sits down	20	Yessica Vallejo, right?
21	with the finance manager. They go over their options	21	A. That is correct.
22	and --	22	Q. So what would happen -- so you go -- Ms. Vallejo
23	Q. Let me pause you one second.	23	has an office in May 2020 forward?
24	When we got the approval, what do you mean by	24	A. Yes.
25	when we got the approval?	25	Q. I'm sorry.
Page 102		Page 104	
1	DAVID PEREZ	1	DAVID PEREZ
2	I thought you didn't submit anything to any	2	Did you say you know how long she worked there?
3	finance companies.	3	How far back she was working there?
4	So what do you mean, when we got the approval?	4	2017 or?
5	A. Well, when I say we, I mean the store. I don't	5	A. I wouldn't know.
6	submit it. My finance manager does. But we work for	6	Q. Well, you would know, because you worked there.
7	the same store. So, the approval.	7	But when you started working there, you said it
8	Q. So you get the approval from who?	8	was someone else.
9	A. From the bank.	9	Do you remember how long you were when that
10	Q. And the bank gives an approval based on credit	10	person left and Ms. Vallejo started?
11	application that is electronically submitted from	11	Was it a month, was it a year, was it two years
12	Victory Mitsubishi to the banks, right?	12	after you started?
13	A. Correct.	13	A. I don't recall.
14	Q. Now, when you said when we got approval, when you	14	Q. Okay. That's fine. So you go with the physical
15	go to the -- when the finance manager -- sorry.	15	deal jacket to see Ms. Vallejo.
16	Is the next person the finance manager that gets	16	What happens next?
17	involved?	17	A. She submits it to the bank.
18	Is that what you said?	18	Q. She electronically submits it to the bank?
19	A. That is correct.	19	A. Correct.
20	Q. When you start providing the information to the	20	Q. Is there a reason why she needs the physical
21	finance manager, do you know if the consumer is approved	21	documents in order to electronically submit it to the
22	by any of the finance companies?	22	banks?
23	A. Not until the finance manager says that they're	23	A. To verify the information.
24	approved.	24	Q. I see.
25	Q. So how does that work, normally?	25	Would she run the credit again when you bring her

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Page 105		Page 107
1 DAVID PEREZ	2 the deal jacket?	1 DAVID PEREZ
3 MR. GOODMAN: Object to the form.	4 A. No.	2 Q. Go ahead.
5 Q. Now, the items that you discussed that were in	6 the deal jacket that you saw before your deposition, are	3 A. It varies.
7 those the same documents that you would typically give	8 to Ms. Vallejo in a typical sales and finance agreement?	4 Q. I know.
9 A. The credit app and their license, yes.	10 Q. And would there be anything else that you would,	5 It could be ten minutes sometimes; is that right?
11 typically, put in that folder, other than what you	12 described earlier in your deposition?	6 A. It could be ten minutes. It could be 20 minutes.
13 A. If the bank requires it, and they ask for proof	14 of residence or paystubs, we would get that.	7 It could be an hour. It could be the next day, sir. It
15 Q. But you would put that in the file folder that	16 you bring Ms. Vallejo?	8 varies. Each person's credit -- each person's credit
17 A. No, I wouldn't know until she submits what the	18 bank's going to ask for.	9 history, credit score, is different. So I wouldn't be
19 Q. All right. That's why I was turned around a	20 little bit.	10 able to tell you, typically, 10, 20, 30, 40 minutes. I
21 For how long does that process take, generally?	22 A. Depends on the bank.	11 wouldn't be able to tell you. It varies.
23 Q. I mean, are we talking about a -- well, the	24 submissions, are the, typically, sent to multiple banks?	12 Q. So the customer's normally waiting at the
25 MR. GOODMAN: Objection to form.		13 dealership when you have Ms. Vallejo submit the credit
Page 106		14 application, right?
1 DAVID PEREZ	2 Go ahead.	15 A. That is correct.
3 A. That I know of?	4 I wouldn't know.	16 Q. Then what's the next step, typically?
5 Q. Well, it's sent to more than one bank?	6 A. I wouldn't know, sir. I don't do finance.	17 A. Once we have the approval, they sit down with the
7 Q. Well, I know.	8 But she tells you what happens with the credit	18 finance manager, and they go over the payment, the
9 applications, Ms. Vallejo does?	10 MR. GOODMAN: Objection to form.	19 interest rate. The contract, pretty much.
11 A. She tells if it's approved or not approved.	12 Q. And, typically, she tells you that while you're	20 Q. Typically, does that happen while -- the same day
13 standing there?	14 A. No.	21 that the consume is there, typically?
15 Q. How long does it typically take when you get her	16 the deal jacket and when she's able to tell you about	22 MR. GOODMAN: Objection to form.
17 approval from any of the prospective finance companies?	18 A. It varies.	23 A. Can vary. Sometimes the customer would have to
19 Q. What's the typical range?	20 A. It varies.	24 come back the next day.
21 Q. There's no typical range?	22 A. No.	25 Q. Is that normal that a customer would have to come
23 Q. It could be ten minutes?	24 MR. GOODMAN: Objection. He answered no	
25 typical range.		
Page 108		Page 108
1 DAVID PEREZ	2 back?	1 DAVID PEREZ
3 MR. GOODMAN: Objection to form.	4 A. Depends.	2 MR. GOODMAN: Objection to form.
5 Q. Okay. Fine.	6 And now when the --	3 A. That is correct.
7 MR. KESHAVARZ: I'm sorry?	8 MR. GOODMAN: We have, like, radiator steam	4 Q. Okay. Fine.
9 hammer thing happening in here. Maybe, you can hear	10 that.	5 A. That is correct.
11 Let's take a couple of minutes. It will	12 pass. It's very annoying.	6 MR. KESHAVARZ: I'll just sit here with my
13 MR. KESHAVARZ: I'll just sit here with my	14 camera off and wait until I see you back on the screen.	7 camera off and wait until I see you back on the screen.
15 MR. GOODMAN: Okay. Sorry about that.	16 (A recess was taken at 2:07 p.m.)	8 MR. GOODMAN: Okay. Sorry about that.
17 Q. When Ms. Vallejo gets the response to the credit	18 application, would she let you know what it said?	9 MR. GOODMAN: Okay. Sorry about that.
19 A. No. She would just tell me whether it was	20 approved or not.	10 MR. GOODMAN: Okay. Sorry about that.
21 Q. Would she normally say if, something like, that	22 the consumer cannot move forward unless they get a	11 MR. GOODMAN: Okay. Sorry about that.
22 the consumer cannot move forward unless they get a	23 co-applicant?	12 MR. GOODMAN: Okay. Sorry about that.
23 co-applicant?	24 A. That is correct.	13 MR. GOODMAN: Okay. Sorry about that.
24 A. That is correct.	25 Q. And then you would relay that to the consumer	14 MR. GOODMAN: Okay. Sorry about that.

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Page 109		Page 111
1	DAVID PEREZ	1
2	directly or just to the auto salesperson?	2
3	A. I would relate that to the consumer directly.	3
4	Q. Now, is Dealertrack the computer system -- is	4
5	that the name of the computer system the dealership uses	5
6	in the sales and financing of a vehicle?	6
7	MR. GOODMAN: Object to the form.	7
8	Go ahead.	8
9	A. It was, when I was there.	9
10	Q. Was there any other database or software that you	10
11	guys used while you were at Victory Mitsubishi in the	11
12	sales and financing of vehicles, other than Dealertrack?	12
13	A. I don't understand the question.	13
14	Q. Sure. Is Dealertrack the only software you guys	14
15	used at Victory Mitsubishi while you were there in the	15
16	sales and financing of vehicles?	16
17	A. Yes.	17
18	Q. And all the documents that are signed or that	18
19	have to do with the deal, are those typically scanned in	19
20	into the Victory Mitsubishi's computer system?	20
21	A. I don't understand the question.	21
22	Q. Sure. If you're at Dealertrack and you want to	22
23	see the forms that have been submitted, would there be a	23
24	section on the screen where you can see what the forms	24
25	are?	25
Page 110		Page 112
1	DAVID PEREZ	1
2	MR. GOODMAN: Objection to form.	2
3	Time frame?	3
4	Q. During the process of the sale of a vehicle.	4
5	A. No, not necessarily.	5
6	Q. When you say not necessarily, in what cases would	6
7	there be?	7
8	A. Well, the only thing that I would be able to pull	8
9	up is the person's credit. And that's only for a	9
10	certain amount of time.	10
11	Q. And how long?	11
12	A. Thirty days.	12
13	Q. So is the credit information that was pulled	13
14	available to the dealership for more than 30 days after	14
15	it's pulled?	15
16	MR. GOODMAN: Object to the form.	16
17	Go ahead.	17
18	A. Just for the 30 days.	18
19	Q. And is the credit report normally printed out and	19
20	put in the deal file?	20
21	A. No.	21
22	Q. Because in this instance, we have a printed copy	22
23	of her credit report by the dealership in the deal file.	23
24	Do you have any idea how that would get there?	24
25	A. Would not know.	25

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Page 113		Page 115	
1	DAVID PEREZ	1	DAVID PEREZ
2	contract that's printed out?	2	A. I wouldn't know.
3	MR. GOODMAN: Objection to form.	3	Q. You have no idea?
4	A. When they sit down with her.	4	A. That's not part of my job, sir. So I don't know.
5	Q. What other papers does the finance manager sit	5	Q. At that point -- have you ever seen anyone
6	down with the customer with?	6	address the cameras anywhere in the office in the
7	A. Wouldn't know.	7	7 dealership?
8	Q. Well, you're not there?	8	MR. GOODMAN: Sorry. Address?
9	You don't see it?	9	Q. Well, in Ms. Vallejo's office, did you ever see
10	Have you ever physically seen it?	10	her, like, adjust the location of the camera?
11	A. That's not part of my job, sir. I wouldn't know	11	Move it a little bit?
12	what else she brings to the business table.	12	Turn it?
13	Q. Would the buyer's order get signed by the	13	A. Wouldn't know.
14	consumer?	14	Q. You would know if you've seen it or not.
15	A. Of course.	15	Have you ever seen it?
16	Q. Retail installment contract gets signed by the	16	A. No.
17	consumer?	17	Q. Now, the camera in her office on the -- is it,
18	A. Of course.	18	like, a ball that's on the screen of the computer?
19	Q. And where is that -- are the signings done in	19	Is it on the ceiling?
20	Ms. Vallejo's office?	20	Where is it?
21	A. In her office.	21	A. I don't recall.
22	Q. And there are video cameras in her office, right?	22	Q. Are there any cameras on the top of the computer
23	MR. GOODMAN: Time frame?	23	screen of any of the -- anywhere in the dealership that
24	Object to the form.	24	you've seen while you were there?
25	Q. You can answer.	25	A. No.
Page 114		Page 116	
1	DAVID PEREZ	1	DAVID PEREZ
2	I can't hear you.	2	Q. When you say you see cameras around, are they
3	A. Yes.	3	from the ceiling?
4	Q. There are video cameras in all the offices at	4	A. Some of them.
5	Victory Mitsubishi while you were there, right?	5	Q. Where else are some of them?
6	MR. GOODMAN: Asked and answered.	6	On tables?
7	A. Yes, while I was there.	7	A. No.
8	Q. And as you understand it, the sales -- the	8	Q. Where else are they, other than the ceilings?
9	contracts being signed are being video recorded while	9	Where else are video cameras at Victory
10	they're being signed by the consumer.	10	Mitsubishi, other than the ceiling when you worked
11	Is that your understanding?	11	there?
12	MR. GOODMAN: Object to form.	12	A. Well, when I was there, there was cameras on the
13	A. I wouldn't know.	13	walls looking at the lot.
14	Q. Have you ever seen any screens anywhere in the	14	Q. The cameras are inside.
15	dealership that shows the video that's being taken from	15	Where else would the cameras inside be, other
16	the cameras?	16	than the ceilings, as far as, you can recall?
17	A. No.	17	MR. GOODMAN: Asked and answered.
18	Q. And the buyer's order and retail installment	18	Look, you're paying for the transcript.
19	agreement, that's generated from the Dealertrack system,	19	Go ahead --
20	right?	20	Q. Go ahead.
21	MR. GOODMAN: Asked and answered.	21	MR. GOODMAN: This is crazy.
22	A. Yes.	22	A. Wouldn't know.
23	Q. The finance manager also goes over add-ons, like,	23	Q. Well, you would know what you saw.
24	extended warranties, service contract, etchings, that	24	Where else would you see it, other than in the
25	type of things, right?	25	dealership?

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1	DAVID PEREZ	1	DAVID PEREZ
2	In the physical dealership, where else did you	2	Q. When you worked as a sales associate, what was
3	see video cameras, other than on the ceilings?	3	the base salary?
4	MR. GOODMAN: Asked and answered.	4	A. I don't remember.
5	A. I don't remember, sir.	5	Q. Fine. That's fine.
6	Q. Okay. I mean, you would know, but you don't	6	Do you know when you left -- let me ask it to you
7	remember. That's fine. That's a different answer.	7	this way.
8	The salespeople that you worked with when you	8	Do you know around May 2022, do you know what the
9	first started -- strike that.	9	base salary for sales associates were?
10	The sales associates that worked there while you	10	MR. GOODMAN: You mean May 2020?
11	-- when you first started at the dealership, did those	11	MR. KESHAVARZ: 2020. Sorry. Nice catch.
12	pretty much stay there throughout the entire time you	12	A. I wouldn't know.
13	were there?	13	Q. Do you have any idea what the base salary of any
14	MR. GOODMAN: Object to form.	14	of the sales associates are the dealership Victory
15	Go ahead.	15	Mitsubishi?
16	A. I wouldn't remember.	16	MR. GOODMAN: He said he wouldn't know.
17	Q. You don't remember?	17	You're just asking the same thing over and over again.
18	A. I don't remember.	18	Q. Fine.
19	Q. Okay. That's fine.	19	You were paid a base salary and commission on
20	Do you know -- I apologize if I asked this.	20	vehicles you sold, correct?
21	Were you ever accused of doing anything dishonest	21	A. Correct.
22	in the sales or financing of a car while you were at	22	Q. Most of the income that you got was based on the
23	Victory Mitsubishi?	23	commission?
24	MR. GOODMAN: That's asked and answered.	24	MR. GOODMAN: Object to form.
25	Object to the form.	25	Go ahead.
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1	DAVID PEREZ	1	DAVID PEREZ
2	Do it again, David. Go ahead.	2	A. Yes.
3	A. No, I was not.	3	Q. About how much did you make while you worked as a
4	Q. Has the dealership Victory Mitsubishi ever been	4	sales associate at the dealership?
5	accused of doing anything deceptive in the sales and	5	MR. GOODMAN: Objection. Do you -- object.
6	financing of vehicles while you were there?	6	This --
7	MR. GOODMAN: Object to the form.	7	MR. KESHAVARZ: I'm trying to get through
8	A. I wouldn't know, sir. That's above my pay grade.	8	the payment structure.
9	Q. You don't know?	9	MR. GOODMAN: I don't think this is an
10	MR. GOODMAN: He just said he wouldn't know.	10	appropriate question. I'm going to -- we'll take -- I'm
11	You want him to repeat everything he says?	11	going to take that under advisement.
12	C'mon.	12	Take it up with your list of issues.
13	Q. And has any person at the dealership ever been	13	Q. When you're sales manager did you get paid a base
14	discipline -- any person at the Victory Mitsubishi ever	14	salary?
15	been -- any employee ever been disciplined for alleged	15	A. Yes.
16	misconduct at the dealership?	16	Q. Did you get paid a commission, as well?
17	MR. GOODMAN: Object to form.	17	A. Yes, I did.
18	A. Not that I can recall.	18	Q. Did you get a source of any pay, other than a
19	Q. How is your pay calculated while you were --	19	commission and a base salary?
20	first of all, as a sales associate at the dealership,	20	A. I don't understand.
21	how was your pay calculated?	21	Q. Did you get paid in any other manner, other than
22	A. It was based on the amount of cars that I sold.	22	a base salary while sales manager at Victory Mitsubishi?
23	Q. There's no base salary?	23	A. No.
24	It's based totally on commission?	24	Q. And was most of your income while you were a
25	A. I had a base salary.	25	sales manager based on commissions?

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Page 121		Page 123
1 DAVID PEREZ	2 MR. GOODMAN: Object to the form.	1 DAVID PEREZ
3 You can answer. Go ahead.	2 A. Yes.	2 A. I wouldn't know.
4 Q. Would you say, roughly, 80 percent of your income	5 Q. And is that true, roughly, 80 percent of your	3 Q. Do you know if the manager's paid a base salary?
6 as a sales manager was based on commissions?	7 A. Yes.	4 A. I was paid a base salary. I was a manager.
8 Q. And is that true, roughly, 80 percent of your	9 income as a sales associate was based on commissions?	5 Q. Well, I'm getting at Stavros. You called him a
10 A. Yes.	11 Q. Now, when you say commission, how does that work?	6 manager. You called him a general manager.
12 Is it a percentage of the total sales price?	13 Is it -- how is that calculated?	7 A. I wouldn't know, sir.
14 A. Well, it depends on the dealership. But most	15 dealerships that I worked in paid when cars were sold.	8 Q. And you don't know if either the finance manager
16 Q. Just on the number of cars, not on the sales	17 price?	9 or Mr. Stavros gets paid a commission, in any way.
18 A. Just on the number of cars.	19 Q. And that was true at Victory Mitsubishi?	10 Do you know if they get paid a commission in any
20 A. When I was there, yes.	21 Q. And that's for both the pay for sales associates	11 way?
22 and sales manager, their commission is solely based on	23 the number of sales of the vehicles, not on the price of	12 A. I would not know, sir.
24 the vehicles, correct?	25 A. When I was there, yes.	13 Q. Now, when you got paid, who issued the paycheck?
		14 Who was it issued by?
		15 A. What do you mean, sir?
		16 Q. Well, did you get a physical paycheck or direct
		17 deposit?
		18 A. Physical paycheck.
		19 Q. Is it -- who's it issued by?
		20 It should say, like, Mitsubishi Motors.
		21 Who --
		22 A. Victory Mitsubishi.
		23 Q. It said Victory Mitsubishi?
		24 Didn't say Victory Mitsubishi Group or Spartan
		25 Group?
Page 122		Page 124
1 DAVID PEREZ	2 Q. And that's also true, then, that the commission	1 DAVID PEREZ
3 to the associate or to you was not based on add-ons that	4 were sold with the vehicle, solely the number of	2 Just said Victory Mitsubishi on your pay checks;
5 vehicles?	6 A. I don't understand the question.	3 is that right?
7 Q. There are add-ons for the sale of a vehicle,	8 like, extended warranties, etchings, rustproofing that	4 A. I don't remember.
9 get added on to the price of the vehicle, correct?	10 A. Okay. Correct.	5 Q. And did the name of whoever wrote your check, did
11 Q. And the dealership gets a certain percentage of	12 profit from that, correct?	6 that change, at any point, from when you started working
13 A. I wouldn't know.	14 Q. Well, if a dealership sells an extended warranty	7 there and when you ended?
15 for 3,000 and only pays 1,700 or for -- something along	16 those lines, right, there's a markup there, right?	8 A. What?
17 A. I wouldn't know.	18 Q. You wouldn't know. Okay.	9 I didn't understand the question.
19 You get a recap to show how much -- have you ever	20 seen a recap to see who was paid how much in a deal?	10 Q. Sure. Were you always paid by the same company
21 A. That's above my pay grade, sir.	22 Q. Do you know if the finance manager got paid based	11 the whole time you worked at the dealership?
23 on anything other than -- strike that.	24 Do you know if the finance manager gets paid a	12 A. Don't remember.
25 base salary?	25 base salary?	13 Q. Do you know if the -- you don't know if it was
		14 issued by one company at one point and a different
		15 company at another point?
		16 You don't know?
		17 A. I don't remember, sir.
		18 Q. How would you find that out?
		19 MR. GOODMAN: Objection.
		20 How would he find it out?
		21 Go ahead.
		22 A. I wouldn't. I would have to -- I don't know. I
		23 don't have my paystubs, so I wouldn't be able to.
		24 Q. All right. When you paid your taxes, did you pay
		25 -- did you get a W-2 from the dealership or did you get

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1	DAVID PEREZ	1	DAVID PEREZ
2	a W-9 or did you get another tax form?	2	Go ahead.
3	A. I got a W-2.	3	A. From my understanding, Miss Francois is saying
4	Q. And who did it say was your employer on the W-2?	4	that she wasn't at the dealership.
5	Was it Victory Mitsubishi?	5	Q. I couldn't hear that. But, I'm sorry, there was
6	A. Can't recall.	6	one more thing I have to ask about Mr. Orsaris. This
7	Q. Do you know if the employer listed on the W-2 had	7	will be the last time I'm jumping back.
8	ever changed during the course of your time at the	8	Mr. Orsaris was your boss. So he was aware of
9	dealership?	9	all of the work you were doing at the dealership.
10	A. I wouldn't know.	10	He supervised you doing everything that you were
11	Q. You don't remember?	11	doing, right?
12	A. I --	12	MR. GOODMAN: Object to the form. Object to
13	MR. GOODMAN: He just said he doesn't know.	13	what he was aware of.
14	A. I wouldn't know, sir.	14	This witness can testify to, go ahead and
15	Q. Let's talk about other people who worked at the	15	answer.
16	dealership while you were there. Yessica Vallejo, you	16	A. Yes.
17	talked about her job and how she interacted.	17	Q. So he, Mr. Orsaris, instructed you about any
18	Was Yessica Vallejo also one of your managers?	18	policies that you had to comply with, right?
19	Did she oversee your work?	19	A. I'm sorry.
20	MR. GOODMAN: Asked and answered.	20	What?
21	Go ahead.	21	Q. Mr. Orsaris would be the one who instructed you
22	A. No.	22	on any policies that you had to comply with, right?
23	Q. Stavros was the only person who oversaw your	23	A. Yes.
24	work?	24	Q. But you didn't have any specific policies as to
25	MR. GOODMAN: Asked and answered.	25	credit reporting or credit pulls, right?
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1	DAVID PEREZ	1	DAVID PEREZ
2	Go ahead.	2	There wasn't any specific policy at the
3	A. Yes.	3	dealership as to credit reporting or credit pulling.
4	Q. And were you ever disciplined, for any reason,	4	There wasn't a specific policy as to that aspect
5	while you were working at Victory Mitsubishi?	5	at the dealership; is that right?
6	MR. GOODMAN: Object to form.	6	MR. GOODMAN: Can I hear the question again,
7	Go ahead.	7	please?
8	A. No.	8	Q. As to the specific aspect of pulling credit
9	Q. You were never written up for anything?	9	reports, there wasn't a specific policy at the
10	A. No.	10	dealership as to that narrow issue, was there?
11	Q. When you applied for your job at Victory	11	MR. GOODMAN: Objection to form. And I
12	Mitsubishi, did you have to give an employment history?	12	believe mischaracterizes prior testimony.
13	A. No.	13	But, go ahead.
14	Q. Did you have to have a background check done?	14	A. I don't understand the question.
15	A. Don't remember.	15	What are you asking?
16	Q. Do you remember signing authorization for someone	16	MR. GOODMAN: Ahmad?
17	to do a background check on you?	17	MR. KESHAVARZ: Yes.
18	A. I don't remember.	18	MR. GOODMAN: Somebody just came in that
19	Q. What's your understanding about what this lawsuit	19	needs to sign some papers. I need five minutes to deal
20	is about?	20	with this.
21	MR. GOODMAN: Objection to the form.	21	MR. KESHAVARZ: That's fine. I'll be
22	A. Sorry. I didn't hear the question.	22	sitting here in front of my camera. Just step back when
23	Q. What is your understanding of what this lawsuit	23	you're ready.
24	is about?	24	(A recess was taken at 2:34 p.m.)
25	MR. GOODMAN: Note my objection.	25	Q. What type of reputation in the community for

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Page 129		Page 131
1 DAVID PEREZ	2 honesty do you believe that Victory Mitsubishi has?	1 DAVID PEREZ
3 MR. GOODMAN: Object to the form.	4 Go ahead.	2 Q. So, basically, is it your understanding that
5 A. I wouldn't know.	6 Q. Do you have an opinion about the reputation of	3 Miss Francois is alleging that the dealership Victory
7 Victory Mitsubishi?	8 MR. GOODMAN: Objection.	4 Mitsubishi sold a car in her name to someone that wasn't
9 Go ahead.	10 A. Good.	5 her?
11 Q. Good in what way?	12 A. We're honest.	6 Was that, basically, what your understanding is?
13 Q. Victory Mitsubishi has that reputation for being	14 honest.	7 MR. GOODMAN: Object to form.
15 Is that what you're saying?	16 A. Yes, sir.	8 Go ahead.
17 Q. Does Victory Mitsubishi have a reputation for	18 anything other than being honest?	9 A. Yes.
19 A. Not that I know of.	20 Q. Did the dealership change its practice of selling	10 Q. Now, did you have any personal -- strike that.
21 vehicles, in any way, during the -- as a result of the	22 Covid-19 pandemic?	11 You said that you got paid commission.
23 A. Yes.	24 Q. In what way?	12 Do you have a goal for the number of vehicles you
25 A. We were by appointment only.		13 should sell?
Page 130		14 MR. GOODMAN: Personal goal or?
1 DAVID PEREZ	2 Q. Any other way?	15 MR. KESHAVARZ: Yeah.
3 A. No.	4 Q. For what period of time were you -- was the	16 MR. GOODMAN: Object to form.
5 dealership by appointment only?	6 A. Until the State said that we can start bringing	17 A. No.
7 employees back.	8 Q. The mandatory shutdown period, you're talking	18 Q. Typically, what's the average number of vehicles
9 about?	10 A. Yeah.	19 that you sell in, say, a week?
11 Q. By May of 2020, you're back to -- the dealership	12 was back to normal operations?	20 MR. GOODMAN: Time frame?
13 MR. GOODMAN: Object to form.	14 Go ahead.	21 Object to form.
15 A. Around that time, yeah.	16 Q. So we last left things about what you're	22 Q. A week since 2020 -- since May of 2020?
17 understanding of what this lawsuit was about.	18 So what is your understanding of what this	23 A. I wouldn't remember.
19 lawsuit was about?	20 A. So my understanding is that Miss Francois is	24 Q. I mean right now -- before you left, what was the
21 saying that it's -- I believe it's fraud. That she	22 wasn't at the dealership.	25 typical number of vehicle that you sold in a day?
23 Q. Do you have any other understanding about what	24 the lawsuit is?	
25 A. No.		
Page 132		1 DAVID PEREZ
1 DAVID PEREZ	2 A week?	2 A month?
3 A. No.	4 Just give me a general idea.	5 Was it five?
5 dealership by appointment only?	6 A thousand?	7 Just give me a general idea, please.
6 A. Until the State said that we can start bringing	8 MR. GOODMAN: Object to form.	8 MR. GOODMAN: Object to form.
7 employees back.	9 Go ahead.	9 Go ahead.
8 Q. The mandatory shutdown period, you're talking	10 A. It depends on the day. It depends on the week.	10 A. It depends on the day. It depends on the week.
9 about?	11 It all depends.	11 It all depends.
10 A. Yeah.	12 Q. In a typical month, about how many vehicles would	12 Q. In a typical month, about how many vehicles would
11 Q. By May of 2020, you're back to -- the dealership	13 you sell?	13 you sell?
12 was back to normal operations?	14 MR. GOODMAN: Objection to form.	14 MR. GOODMAN: Objection to form.
13 MR. GOODMAN: Object to form.	15 Q. Just give me a ballpark answer.	15 Q. Just give me a ballpark answer.
14 Go ahead.	16 A. Anywhere between 250 to 270.	16 A. Anywhere between 250 to 270.
15 A. Around that time, yeah.	17 Q. You would sell between 250 and 270 vehicles a	17 Q. You would sell between 250 and 270 vehicles a
16 Q. So we last left things about what you're	18 month on average; is that right?	18 month on average; is that right?
17 understanding of what this lawsuit was about.	19 MR. GOODMAN: You, personally, or the	19 MR. GOODMAN: You, personally, or the
18 So what is your understanding of what this	20 dealership?	20 dealership?
19 lawsuit was about?	21 THE WITNESS: The dealership.	21 THE WITNESS: The dealership.
20 A. So my understanding is that Miss Francois is	22 MR. GOODMAN: He's asking you.	22 MR. GOODMAN: He's asking you.
21 saying that it's -- I believe it's fraud. That she	23 THE WITNESS: Oh, me?	23 THE WITNESS: Oh, me?
22 wasn't at the dealership.	24 Q. So the deals you get commission on -- let me put	24 Q. So the deals you get commission on -- let me put
23 Q. Do you have any other understanding about what	25 it to you this way.	25 it to you this way.
24 the lawsuit is?		
25 A. No.		

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1	DAVID PEREZ	1	DAVID PEREZ
2	The deals you get commission on, about how many	2	A. Because, sir, we wouldn't have a signed credit
3	deals do you get a commission on in, say, in a typical	3	app or license, if she wasn't there.
4	month?	4	Q. Well, if somebody else came there and said that
5	A. 250-270.	5	she was Miss Francois, that person could have signed the
6	Q. Okay. Thanks.	6	application and given the driver's license of
7	So that means you worked on 250 to 270 deals in a	7	Miss Francois, right?
8	typical month?	8	A. No, sir. Because we verify.
9	A. Give or take, yeah.	9	Q. So are you saying -- you would have to verify
10	Q. Now, do you remember anything about the sale and	10	how?
11	financing of the vehicle as to Miss Francois?	11	A. By matching the license.
12	A. Don't remember.	12	Q. So you're saying that the only way Victory
13	Q. So you don't recall ever meeting Miss Francois?	13	Mitsubishi would have a consumer sign a credit
14	A. No.	14	application is if they viewed the driver's license and
15	Q. You don't recall ever seeing a driver's license	15	they viewed the face of the consumer and confirmed the
16	of Miss Francois?	16	driver's license matched the face, correct?
17	A. No. Not from what far back.	17	A. That is correct.
18	Q. Sorry?	18	Q. And if during Covid the person might have had a
19	A. Not from that far back.	19	mask, Victory Mitsubishi would have required that person
20	Q. You reviewed some documents in preparation for	20	to take off that mask, at least for a moment, to confirm
21	your deposition.	21	the person on the driver's license was the same as the
22	A. That is correct.	22	person in front of him or her; is that correct?
23	Q. Did that help refresh your memory, in any way?	23	A. At some point, sir, we would have told them to
24	A. No.	24	bring down their mask, yes.
25	Q. So do you know if Miss Francois ever came to the	25	Q. And do you know, other than the fact that there's
Page 134		Page 136	
1	DAVID PEREZ	1	DAVID PEREZ
2	Victory Mitsubishi dealership, at any point, ever?	2	a signed credit application and the driver's license, do
3	A. Yes.	3	you know if that happened in this instance?
4	Q. And when did she come to the dealership?	4	MR. GOODMAN: Know if what happened?
5	A. When the credit was signed.	5	To pull down the mask?
6	Q. What date?	6	MR. KESHAVARZ: Yeah or -- strike that.
7	A. May-something.	7	Q. Let me ask a different question.
8	Q. How do you know that Miss Francois was at the	8	The person who would have confirmed the identify
9	dealership on the date the credit application was	9	of Miss Francois, the driver's license and the credit
10	signed?	10	application, that would have been the sales associate,
11	How do you know that?	11	correct?
12	A. Because I have a signed credit app with her	12	A. No. Back in Covid, it would have been myself or
13	license.	13	Stavros. Mostly, Stavros.
14	Q. But do you remember her being there and having	14	Q. In May 2020, Mr. Stavros would be the one to
15	her sign the document?	15	confirm the identify of anyone signing a credit
16	A. Well, she must have been, sir, because I have a	16	application or bringing in a driver's license; is that
17	signed credit app with her license.	17	right?
18	Q. So you don't know -- okay.	18	A. Correct.
19	So you're assuming she was there, because there	19	Q. And same thing for June 2020?
20	was a document, a credit application, signed and dated.	20	A. Correct.
21	So because of that, you assume that Miss Francois	21	Q. Same thing for September 2020?
22	was there, at that time; is that right?	22	A. I don't recall September.
23	MR. GOODMAN: Object to form.	23	Q. So did you have sales associates working at
24	A. Not assume. I -- I know she was there.	24	Victory Mitsubishi in May and June of 2020?
25	Q. How do you personally know that she was there?	25	A. After they told us we can hire everybody back,

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Page 137		Page 139	
1	DAVID PEREZ	1	DAVID PEREZ
2	yes.	2	A. Yes.
3	Q. But May and June of 2020, in fact, Victory	3	Q. And the sales associates, by May or June of 2020,
4	Mitsubishi had sales associates working again, right?	4	since they were back, their normal job was to confirm
5	MR. GOODMAN: Object to the form.	5	the identify of the people signing the credit
6	Go ahead.	6	applications, right?
7	A. Yes.	7	That's the normal part of their job, right?
8	Q. So by May or June of 2020, it would be the sales	8	MR. GOODMAN: Object to form.
9	associate who would be confirming the identify of	9	Go ahead.
10	anybody who came in and applied for financing, right?	10	A. Normally, yes. But we still had the mask
11	MR. GOODMAN: Objection. Asked and	11	mandate.
12	answered. Mischaracterizes.	12	Q. Fine.
13	Go ahead.	13	But by May or June of 2020, the auto salespeople
14	A. Stavros would.	14	were back.
15	Q. No, no, no, no.	15	And those would be the people who would be in
16	Why -- if the salespeople -- sales associate's	16	charge of determining whether the person signing the
17	job is to confirm the identify of the person signing a	17	credit application was the person in front of them,
18	credit application, right?	18	right?
19	A. That is correct.	19	MR. GOODMAN: Object to form.
20	Q. And that changed for some period of time when the	20	Go ahead.
21	sales associates were no longer working at the	21	A. Normally, yes.
22	dealership, correct?	22	Q. But by May and June of 2020, it would be the --
23	A. No.	23	let me take this in two steps. Okay. Because I think I
24	Q. By May and June of 2020, well, I think you said	24	know the answer, but I want to make sure the record's
25	this, right, the number of employees was back to normal	25	crystal clear here.
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1	DAVID PEREZ	1	DAVID PEREZ
2	and the dealership was operating as normal, at that	2	By May and June of 2020, the sales associates had
3	point, right?	3	returned to working at Victory Mitsubishi, correct?
4	MR. GOODMAN: Objection. He didn't say	4	MR. GOODMAN: Objection to form.
5	that. He said, if that's when --	5	Go ahead.
6	MR. KESHAVARZ: Okay. It wasn't, I guess.	6	A. Yes.
7	Let me rephrase the question so the record	7	Q. And the sales associates, one of their job
8	is clear.	8	functions is, they were the ones to determine whether
9	Q. By May and June of 2020, were the number of sales	9	the person signing the credit application was the person
10	associates back to normal, and was Victory Mitsubishi	10	alleged to be -- was the person alleging to be -- strike
11	operating as it normally would?	11	that.
12	MR. GOODMAN: Object to form.	12	The job of sales associate, by May and June of
13	Go ahead.	13	2020, in fact, the entire time the sales associates were
14	A. After they told us, yes. After they told us to	14	there, would be to confirm the identify of the person
15	hire everybody back, yes.	15	signing the credit application, right?
16	Q. But I guess what I'm trying to find out more	16	That's the job, one of the jobs of the sale
17	narrowly is, was the dealership up and running as normal	17	associate, right?
18	by May and June of 2020?	18	MR. GOODMAN: Object to form.
19	MR. GOODMAN: Object to form as to what's	19	Go ahead.
20	normal.	20	A. Again, that's one of the jobs of a sales
21	But, go ahead.	21	associate, yes. But we still had mask mandates. So it
22	A. Yeah, I don't understand when you say normal.	22	wasn't -- I couldn't have or we couldn't have a
23	Q. Well, the sales associates were back at the	23	salesperson ask about, you know, remove your mask or put
24	dealership by -- definitely by May and June of 2020,	24	your mask down.
25	right?	25	Q. Let's put that aside for a second.

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1	DAVID PEREZ	1	DAVID PEREZ
2	Regardless of the mask mandate, by May and June	2	Q. Regardless if the person had a mask?
3	of 2020, it would be the sales associates who would	3	MR. GOODMAN: Object to form. Objection.
4	confirm the identify of the person signing the credit	4	A. Well, we weren't allowing people without masks to
5	applications, correct?	5	come in.
6	A. Under normal circumstances, yes.	6	Q. So you're saying in May/June 2020, no one came
7	Q. I'm not asking about normal circumstances. I'm	7	into the dealership to purchase a vehicle who did not
8	asking for the dates.	8	have a mask.
9	In May and June of 2020 --	9	Is that what you're saying?
10	A. You're asking dates --	10	A. As per the mandate, yes.
11	MR. GOODMAN: Let him finish.	11	Q. And you remember that?
12	Go ahead, Ahmad.	12	MR. GOODMAN: Objection.
13	Q. I'm just asking specifically, May and June of	13	Go ahead.
14	2020, it would be the sales associates who would confirm	14	A. Yes.
15	the identify of the person who signed the credit	15	Q. Now -- so regardless of who checks pulling down
16	application; is that correct?	16	the mask or not, there would be a salesperson -- sales
17	MR. GOODMAN: That's 2020, he's talking	17	associate involved in the sales of financing of vehicles
18	about.	18	in September and -- excuse me -- in May/June of 2020,
19	THE WITNESS: Yeah, I told him how many	19	right?
20	times. Stavros.	20	That was still being done by sales associates,
21	A. No, Stavros.	21	right?
22	Q. Well, I guess I'm confused. If the sales	22	A. To gather the information, yes.
23	associates are back by May and June of 2020, why aren't	23	Q. Sales associates would see who was there filling
24	the sales associates asking to confirm the identify of	24	out the credit application, right?
25	the person who is signing the credit applications?	25	A. Gathering the information.
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1	DAVID PEREZ	1	DAVID PEREZ
2	A. Because they couldn't have them telling the	2	Q. The sales associate, in May and June of 2020,
3	customer to remove their mask.	3	would be the ones who would have seen the consumer sign
4	Q. And would Stavros ask -- would Stavros ask the	4	the credit application, correct?
5	consumer to remove their mask to confirm the identify of	5	A. No.
6	the person who's signing the credit application?	6	Q. They would not?
7	A. He or myself would take them to another office	7	Okay.
8	and have them bring it down briefly, yes.	8	And sales associates would look at the ID of the
9	Q. And so you would make sure when contracts were --	9	person who came in to sign the credit application,
10	strike that.	10	right?
11	So the issue is not who did it, it's the location	11	A. I don't understand the question.
12	of where it was done, right?	12	Q. Sure. The person -- the sales associate would
13	In an office or not in an office, is that what	13	check the ID of the person who was going to sign the
14	you're saying?	14	credit application, right?
15	MR. GOODMAN: Objection to form.	15	MR. GOODMAN: Objection to form.
16	Go ahead.	16	Go ahead.
17	A. Yes.	17	A. Normally, yes.
18	Q. So anyone could have done it. It's just whether	18	Q. And that's true in May and June of 2020, right?
19	the person was -- where the person physically was when	19	A. That's what I'm letting you know, sir. Either
20	they were asked to bring down their mask, right?	20	myself or Stavros would check the identify.
21	MR. GOODMAN: Objection to form. That's not	21	Q. Did you normally work weekends in May or June of
22	what he testified to.	22	2020?
23	Q. You can answer.	23	A. Yes.
24	A. Either myself or Stavros, May 2020 and June 2020,	24	Q. Did Mr. Stavros normally work weekends in May and
25	would verify the people's identify.	25	June of 2020?

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1	DAVID PEREZ	1	DAVID PEREZ
2	A. Yes.	2	Q. But I'm not asking you if it's above your pay
3	Q. Now, in May and June of 2020, Victory Mitsubishi	3	grade.
4	would not have allowed financing to go through to a	4	I'm asking you, as you're sitting here today, can
5	consumer unless they had the consumer remove their mask	5	you think of any reason, other than the fact that that's
6	and confirm the face of the person in the driver's	6	the way it was, can you think of any reason about why
7	license with the face of the person sitting in front of	7	you could tell a consumer, Stavros can tell a consumer
8	them, correct.	8	to pull down their mask to confirm their identify, but a
9	MR. GOODMAN: Objection to form.	9	sales associate couldn't?
10	Go ahead.	10	Sitting here today, can you think of a reason why
11	A. Yes.	11	that may be?
12	Q. Okay. Now, I guess what I don't understand is,	12	MR. GOODMAN: Objection.
13	if the dealership, if you can ask the consumer to pull	13	Don't answer that.
14	down their mask, and Stavros can ask the consumer to	14	Put that on the list, if you want.
15	remove their mask to confirm their identity, why	15	Q. You can answer.
16	couldn't the sales associate ask the consumer to take	16	MR. KESHAVARZ: It's not the same question.
17	off their mask and confirm the identify on the driver's	17	MR. GOODMAN: It's an even worse question.
18	license?	18	Q. Go ahead. You can answer.
19	A. I was instructed not to let them.	19	A. Above my pay grade.
20	Q. But do you know why?	20	Q. That's the only reason why you think it had to be
21	A. Above my pay grade.	21	done by you or Stavros, right?
22	Q. And can you think of any reason why a sales	22	It's the only reason you can think of?
23	associate couldn't ask the consumer to take off their	23	MR. GOODMAN: You're going to ask that again
24	mask briefly to confirm their identify?	24	for the fourth or fifth time?
25	Can you think of any reason why the sales	25	Put it on your list. We'll take it under
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1	DAVID PEREZ	1	DAVID PEREZ
2	associate couldn't do that, but you could?	2	advisement.
3	MR. GOODMAN: Objection to form.	3	Q. How could you determine who at the dealership
4	Is he now an expert witness?	4	would have, if anyone, would have confirmed the identify
5	Q. Go ahead. You can answer.	5	of the person who claimed to be Miss Francois?
6	(Simultaneous cross talk.)	6	Is there any document you can check that would
7	MR. GOODMAN: He can think of-	7	give you that indication?
8	Q. You can answer.	8	MR. GOODMAN: Object to the form.
9	MR. GOODMAN: Go ahead.	9	You can answer.
10	A. It's above my pay grade.	10	A. I didn't understand the question.
11	Q. I know. But you can't think of any reason why a	11	So sitting here today, is there anything that the
12	sales associate couldn't ask a -- couldn't ask a	12	dealership could check, you can check, anyone could
13	consumer to remove their mask and you could?	13	check to determine who would be the person who confirmed
14	Can you think of any reason why that would be?	14	Miss Francois' identify in May or June of 2020?
15	Can you think of any reason?	15	MR. GOODMAN: Object to form.
16	MR. GOODMAN: Objection.	16	Go ahead.
17	Don't answer it again. You've already	17	A. I wouldn't know.
18	answered it.	18	Q. There's no document that -- no one initialled
19	MR. KESHAVARZ: He never did, actually.	19	anywhere or took any notes to say, oh, I checked this
20	Q. Go ahead. You can answer.	20	person's identity in May/June of 2020?
21	MR. HOFFMAN: Put that on your list. We'll	21	A. I wouldn't know, sir.
22	talk about it. We'll take it under advisement.	22	Q. When you checked someone's identity in May or
23	Q. You said it's above your pay grade, right?	23	June of 2020, did you make any notation anywhere that
24	That was your answer before, right?	24	you confirmed the identify of the consumer?
25	A. That's correct.	25	A. No.

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Page 149		Page 151
1	DAVID PEREZ	1
2	Q. Why not?	2
3	MR. GOODMAN: Object to form.	3
4	Go ahead.	4
5	A. I wasn't told to keep records.	5
6	Q. Well, wouldn't you want -- as a sales manager,	6
7	the person in the position of authority at the	7
8	dealership, to make sure that you take steps to confirm	8
9	the identify of the person whose name the loan is under	9
10	is, in fact, that person?	10
11	Wouldn't you want to keep a report of that?	11
12	MR. GOODMAN: Objection to form.	12
13	Go ahead.	13
14	A. We did make sure, sir. We asked them to put down	14
15	their mask for a brief second.	15
16	Q. Why wouldn't you make a notation about who made	16
17	confirmation of identify?	17
18	Why wouldn't you do that?	18
19	MR. GOODMAN: Objection.	19
20	Go ahead.	20
21	A. I wasn't told to.	21
22	Q. Well, did you have any concerns that people	22
23	coming in to buy cars with masks on might not be the	23
24	same person they're contending to be on the credit	24
25	application?	25
Page 150		Page 152
1	DAVID PEREZ	1
2	MR. GOODMAN: Object to form.	2
3	Go ahead.	3
4	A. Before anything was done, we will verify, sir.	4
5	Q. So you didn't have any concerns?	5
6	MR. GOODMAN: Object to form.	6
7	A. No.	7
8	Q. Was anyone else at the dealership, other than you	8
9	and Mr. Stavros, allowed to confirm the identify of	9
10	persons signing credit applications in May or June of	10
11	2020?	11
12	MR. GOODMAN: Object to form. Asked and	12
13	answered, many times.	13
14	Go ahead.	14
15	A. Me and Mr. Stavros.	15
16	Q. Not Yessica Vallejo?	16
17	A. No.	17
18	Q. Did you say you were going to take -- you took	18
19	the consumer into a different -- into a particular room	19
20	to ask them to pull down their mask?	20
21	A. Into an office, yes.	21
22	Q. Whose office?	22
23	A. Stavros.	23
24	Q. Well, when you had asked the consumer to pull	24
25	down their mask to confirm their identity, would you do	25

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Page 153		Page 155
1 DAVID PEREZ		1 DAVID PEREZ
2 A. No. There was other offices in there.		2 MR. GOODMAN: What was the question?
3 Q. Well, that's what I'm asking.		3 Q. You don't know if there's any way that the
4 Whose other offices were there at the dealership		4 Dealertrack tracks who is logged in to work on a file --
5 in May or June 2020?		5 on a consumer's account?
6 That's what I'm asking?		6 There's no way of knowing that on Dealertrack?
7 A. I wouldn't remember, sir.		7 A. I wouldn't know, sir.
8 Q. Other employees?		8 Q. Well, can you do that?
9 MR. GOODMAN: He said he can't remember.		9 When you log in, is there a way to tell that you
10 How many times you want him to say he can't remember?		10 logged into an account before?
11 Q. Why was it pulled down in a closed environment of		11 MR. GOODMAN: He just said he didn't know.
12 an office as opposed to outside, say, outside?		12 Go ahead.
13 Wouldn't that be -- outside be safer?		13 Q. For you.
14 MR. GOODMAN: Objection to form. It's		14 A. I wouldn't know, sir.
15 getting argumentative, also.		15 Q. What is DealerSocket?
16 Q. Go ahead. You can answer.		16 A. It is our -- we input customers' name and phone
17 A. Not necessarily.		17 number, and that's how we make appointments.
18 Q. Why not?		18 Q. I didn't hear the first part of the sentence.
19 MR. GOODMAN: Objection.		19 Can you say that again, please?
20 A. Because we're surrounded by other people.		20 A. It's our CRM.
21 Q. And Mr. Stavros had a camera in his office, too,		21 Q. What is a CRM?
22 right?		22 What does CRM stand for?
23 Everyone had cameras, right?		23 A. Don't know what CRM stands for. What it's always
24 MR. GOODMAN: Object to form. Asked and		24 been called. Pretty much, like, a log of the customers
25 answered.		25 that we've contacted, and they have come into the
Page 154		Page 156
1 DAVID PEREZ		1 DAVID PEREZ
2 Go ahead.		2 dealership.
3 A. Yes.		3 Q. So -- and that's -- the DealerSocket program, is
4 Q. All right.		4 that an accurate way to describe it?
5 And do you know if Mr. Stavros Orsaris had any		5 A. What do you mean?
6 part of the sale and financing of the vehicle in May or		6 Q. Well, if I call it the DealerSocket system, are
7 June of 2020?		7 you saying that when a customer calls in or you're
8 Do you have any knowledge of that?		8 interacting with a customer, that you put the customer's
9 A. I wouldn't remember.		9 contact information into the DealerSocket system?
10 Q. Is there any document that you would check that		10 A. Yes. We put their name and phone number.
11 would tell you whether Stavros Orsaris had any role in		11 Q. So when that customer calls in or a call is made
12 the sale and financing of a vehicle in May or June of		12 to that customer, DealerSocket keeps track of calls that
13 2020?		13 are made or received with that customer, correct?
14 A. Wouldn't know that, sir.		14 A. I wouldn't know.
15 Q. Would there be any way to find out?		15 Q. Well, how does DealerSocket work?
16 A. I wouldn't.		16 MR. GOODMAN: Object to form.
17 Q. Is there some way to check to see who might have		17 Do you know how it works?
18 logged in to, say, Dealertrack and reviewed		18 A. I wouldn't know.
19 Miss Francois' account?		19 Q. Have you ever used DealerSocket?
20 Would that tell you -- strike that.		20 A. No.
21 If someone at the dealership looked at		21 MR. KESHAVARZ: I will ask Emma if she can
22 Miss Francois' account, would that be tracked somewhere		22 mark as an exhibit Defendant's Production 49 through 67
23 in Dealertrack who else had hands on the account?		23 as Plaintiff's Exhibit 18. Let's start marking the
24 A. I wouldn't know.		24 exhibits with 18, because we left the last deposition, I
25 Q. You don't know one way or the other?		25 think, at Exhibit 17. So let's just continue from that

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Page 157		Page 159
1 DAVID PEREZ	2 to mark Exhibit 18 would be Defendant's document	1 DAVID PEREZ
3 production pages 49 through 67.	2 Q. All right.	2 Q. All right.
4 MR. GOODMAN: I'm going to be off for one	3 MR. KESHAVARZ: So then for the court	3 MR. KESHAVARZ: So then for the court
5 second. I'll be right back.	4 reporter, I guess, let's label this DealerSocket texts	4 reporter, I guess, let's label this DealerSocket texts
6 Stay there.	5 to give it a title.	5 to give it a title.
7 (Plaintiff's Exhibit Nos. 18 through 20 were	6 Q. Going down on -- well, do you know if there are	6 Q. Going down on -- well, do you know if there are
8 deemed marked for identification.)	7 texts that go back and forth between auto sales	7 texts that go back and forth between auto sales
9 MR. KESHAVARZ: They are Bates-stamped	8 associates and customers?	8 associates and customers?
10 Defendant's 42 through 48 would be Exhibit 18;	9 A. I wouldn't know.	9 A. I wouldn't know.
11 Defendant's Bates-stamped 49 to 69 would be Exhibit 19;	10 Q. Because on the bottom of Defendant's 42, it says,	10 Q. Because on the bottom of Defendant's 42, it says,
12 and Defendant's page 113 would be Plaintiff's Exhibit	11 "You'll be good to go. You just have to come in with	11 "You'll be good to go. You just have to come in with
13 20.	12 proof of income, proof of address and license."	12 proof of income, proof of address and license."
14 Q. Mr. Perez, take a look at Exhibit No. 18,	13 Do you see that?	13 Do you see that?
15 documents Bates-stamped Defendants 48 through -- excuse	14 A. I see it, sir.	14 A. I see it, sir.
16 me -- 42 through 48.	15 Q. And so you don't know if this is a message going	15 Q. And so you don't know if this is a message going
17 And let me know when you're done, please.	16 between someone at Victory Mitsubishi and a prospective	16 between someone at Victory Mitsubishi and a prospective
18 A. I'm done.	17 customer?	17 customer?
19 Q. On the bottom lower left it says,	18 A. I wouldn't know.	18 A. I wouldn't know.
20 "DealerSocket.com."	19 Q. Did you use any sort of texting or messaging	19 Q. Did you use any sort of texting or messaging
21 Do you see that?	20 application when you communicated with customers, at any	20 application when you communicated with customers, at any
22 A. I see that.	21 point, while you worked at Victory Mitsubishi?	21 point, while you worked at Victory Mitsubishi?
23 Q. And on the top it says, "DealerSocket," right?	22 MR. GOODMAN: You just asked him that, and	22 MR. GOODMAN: You just asked him that, and
24 A. Okay.	23 he just said no.	23 he just said no.
25 Q. Is that right?	24 Go ahead, answer again.	24 Go ahead, answer again.
	25 A. No.	25 A. No.
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1 DAVID PEREZ	1 DAVID PEREZ	1 DAVID PEREZ
2 A. Yes.	2 Q. Who is Tameeka Richards?	2 Q. Who is Tameeka Richards?
3 Q. Are these texts that are printed out through the	3 A. I wouldn't know, sir.	3 A. I wouldn't know, sir.
4 DealerSocket system?	4 Q. That's not someone who ever worked at the	4 Q. That's not someone who ever worked at the
5 A. I wouldn't know.	5 dealership?	5 dealership?
6 Q. Do you know what this document is that's	6 A. I wouldn't know.	6 A. I wouldn't know.
7 Exhibit 18?	7 Q. All right.	7 Q. All right.
8 A. I wouldn't.	8 If you go back to Exhibit 18, page Defendant's	8 If you go back to Exhibit 18, page Defendant's
9 Q. Have you ever seen anything like the text on the	9 45, it says, "Hi, Mr. Milano, this is Dahiara Castillo	9 45, it says, "Hi, Mr. Milano, this is Dahiara Castillo
10 top of page Defendant's 42, where it says, "Victory	10 at Victory Mitsubishi." First name spelled	10 at Victory Mitsubishi." First name spelled
11 Mitsubishi. Welcome."	11 D-A-H-I-A-R-A Castillo.	11 D-A-H-I-A-R-A Castillo.
12 Have you ever seen any text like that?	12 Do you know Dahiara Castillo, who might have	12 Do you know Dahiara Castillo, who might have
13 A. I wouldn't.	13 worked at Victory Auto in June of 2020?	13 worked at Victory Auto in June of 2020?
14 Q. Well, does the DealerSocket keep track of texts	14 A. I wouldn't.	14 A. I wouldn't.
15 that are sent to and from prospective customers?	15 Q. Would you know all the people who your sales	15 Q. Would you know all the people who your sales
16 A. I wouldn't know, sir.	16 associates were in May and June 2020?	16 associates were in May and June 2020?
17 Q. Have you ever sent texts out through	17 A. I wouldn't recall.	17 A. I wouldn't recall.
18 DealerSocket?	18 Q. Well, you were the boss of everyone who was a	18 Q. Well, you were the boss of everyone who was a
19 A. I wouldn't know.	19 sales associate in May/June of 2020, right?	19 sales associate in May/June of 2020, right?
20 Q. Have you ever sent a text to a consumer through	20 MR. GOODMAN: Object to the form.	20 MR. GOODMAN: Object to the form.
21 any system of Victory Mitsubishi?	21 A. Yes.	21 A. Yes.
22 A. I wouldn't.	22 Q. So you'd be in charge of supervising all your	22 Q. So you'd be in charge of supervising all your
23 Q. I'm sorry.	23 sales associates, right?	23 sales associates, right?
24 Is that a yes or a no?	24 A. Yes.	24 A. Yes.
25 A. No.	25 Q. And you'd be charged with tracking the	25 Q. And you'd be charged with tracking the

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Page 161		Page 163
1 DAVID PEREZ	2 performance of all the sales associates, right?	1 DAVID PEREZ
3 A. Yes.	4 Q. So you would have to know who all the sales	2 A. I wouldn't know.
5 associates were who worked under you, correct?	6 A. Yes.	3 Q. Can't hear you.
7 Q. And you've never heard the name Dahiara Castillo	8 before?	4 A. Wouldn't know.
9 A. No.	10 MR. GOODMAN: Objection. And the question	5 Q. Does Victory Mitsubishi get customers through
11 assumes Dahiara Castillo was a sales associate. You	12 never established that. There's no evidence.	6 websites?
13 Q. Well the only people who worked at -- correct me	7 A. I wouldn't know, sir.	8 Q. You wouldn't know how customers get to the
14 if I'm wrong, the only titles at Victory Mitsubishi	9 dealership to purchase cars?	10 You don't know that?
15 while you were there, one was the manager or, maybe, the	11 A. I don't know. That's above my pay grade. I	12 don't know how they get their customers.
16 general manager Stavros, right?	13 Q. You never talked to customers and they said, hey,	14 I got to you guys online?
17 That's one title, correct?	15 That never happened in all the years you worked	16 there?
18 A. Correct.	17 MR. GOODMAN: Object to form.	18 Argumentative.
19 Q. Then there's the finance manager who is Yessica	19 Go ahead.	20 A. No.
20 Vallejo, correct?	21 (Whereupon, Ms. Caterine dropped off the	21 (Whereupon, Ms. Caterine dropped off the
21 A. Correct.	22 call and a brief recess was taken at 3:41 p.m.).	22 call and a brief recess was taken at 3:41 p.m.).
22 Q. Then there's you, who was the sales manager,	23 Q. Do you know if there's anyone who works in online	23 Q. Do you know if there's anyone who works in online
23 correct?	24 sales -- strike that.	24 sales -- strike that.
24 A. Correct.	25 Do you know if there's an online sales division	25 Do you know if there's an online sales division
Page 162		Page 164
1 DAVID PEREZ	2 correct?	1 DAVID PEREZ
3 MR. GOODMAN: Object to form and I don't	4 think that's --	2 at Victory Mitsubishi while you were working there?
5 Q. Is that correct?	6 A. Give or take, yes.	3 A. I wouldn't know.
7 Q. Ten to 20 sales people working in servicing for	8 vehicles, correct?	4 Q. If you look at -- take a look at Exhibit 19,
9 A. Correct.	10 Q. Are there any other groups of people who worked	5 pages Bates-stamped 49 through 69.
11 at the dealership while you were there, other than those	12 categories of people?	6 And let me know when you're done.
13 MR. GOODMAN: If you know.	14 A. Not that I can recall.	7 MR. KESHAVARZ: Let's go off the record a
15 Q. Going down to the bottom of page 45, "Hi, Farrah.	16 This is Chelsea Lopez at Victory Mitsubishi."	8 quick second.
17 Did I read that correctly?	18 A. Yes.	9 (Whereupon, an off-the-record discussion was
19 Q. Is Chelsea Lopez someone who worked at Victory	20 Mitsubishi in May 2020 through the date that you left?	10 held.)
21 MR. GOODMAN: Is that a question?	22 MR. KESHAVARZ: Yes.	11 Q. Are you on Plaintiff's 19, Mr. Perez?
23 MR. GOODMAN: What's the question?	24 Q. Do you know if Chelsea Lopez ever worked at	12 A. Yes, I am.
25 Victory Mitsubishi?	25 Victory Mitsubishi?	13 Q. On the top, let's identify -- at the top it says,
		14 "DealerSocket work notes" on the top of page 49.
		15 It says that, correct?
		16 A. That is correct.
		17 Q. Let's identify that for the court reporter that
		18 way.
		19 Do you have any idea what Exhibit No. 19 is?
		20 A. I have no idea what this is.
		21 Q. When you talked about DealerSocket system
		22 tracking calls from specific consumers going back and
		23 forth, do you remember that testimony?
		24 MR. GOODMAN: I don't remember anything like
		25 that. Object to the form.

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1	DAVID PEREZ	1	DAVID PEREZ	Page 167
2	Q. My recollection -- let me just can ask the	2	A. I wouldn't know.	
3	question, again. Because, obviously, my understanding	3	Q. So you don't know if there's someone else --	
4	might be wrong. So let me ask you again.	4	well, strike that.	
5	So tell me what your understanding of the	5	You don't know. All right.	
6	DealerSocket system or CRM is, however you want to	6	Looking at Exhibit No. 20, Bates-stamped	
7	describe it?	7	Defendant's 113.	
8	A. So it keeps track of the people that show up to	8	Do you know what this is?	
9	the dealership. Like, input their phone number, their	9	A. No, I don't know what this is.	
10	name.	10	Q. All right.	
11	Q. That's information that's obtained after the	11	MR. KESHAVARZ: For the court reporter, why	
12	consumer gets to the dealership, correct?	12	don't we just identify that as DealerSocket page 113 for	
13	A. Or if they call in, because we do have a phone	13	the record.	
14	number.	14	All right. Let's move on then.	
15	Q. So if they call in with an interest to the	15	And I'd ask Emma to forward for exhibits the	
16	dealership, that information from the consumer would be	16	deal jacket cover that's Defendant's page 1 -- the deal	
17	typed into the system and tracked through the	17	jacket that's, Defendant's pages 1 through 36; the	
18	DealerSocket?	18	credit report, that's Defendant's 37 through 40; and	
19	A. I wouldn't know.	19	dealership screen shots, document production Defendant's	
20	Q. So you don't know what DealerSocket does or CRM	20	85 through 92.	
21	does with information typed in.	21	MR. GOODMAN: While Emma is doing that,	
22	Is that what you're saying?	22	let's take a break. We'll need to receive it and print	
23	A. That is correct.	23	it out. It will take a few minutes. So let's go off,	
24	Q. Did you attempt to gather any documents you might	24	and we'll be back in five minutes.	
25	have regarding the sale or financing of agreement in the	25	(A recess was taken at 3:48 p.m.)	
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1	DAVID PEREZ	1	DAVID PEREZ	Page 168
2	name of Miss Francois?	2	(Plaintiff's Exhibit Nos. 21 through 23 were	
3	Did you take any steps to determine whether you	3	deemed marked for identification.)	
4	had any e-mails or texts, phone records or any other	4	Q. Mr. Perez, take a look at Exhibit 23, and let me	
5	documentation related to that?	5	know when you're done.	
6	A. I'm sorry.	6	A. I'm done.	
7	What's the question?	7	Q. Is this the interface with the Dealertrack system	
8	Q. Did you take any steps to locate any documents	8	that you were testifying to before?	
9	related to this lawsuit, to the sale and financing of	9	MR. GOODMAN: Objection to form.	
10	the vehicle in the name of Miss Francois?	10	Go ahead.	
11	A. No. I don't keep copies of anything.	11	A. Yes.	
12	Q. Did you check for any records?	12	Q. Now, have you ever had a situation where someone	
13	A. I would. I don't have copies of anything, sir.	13	comes to purchase a vehicle, and then because of some	
14	Q. Would you ever -- were you asked to check for any	14	issues with sales or financing have to come back in a	
15	records related to Miss Francois or this lawsuit?	15	month or two, and you have to go back into Dealertrack	
16	MR. GOODMAN: Objection. Privileged.	16	and try to address the consumer's concerns?	
17	Don't answer.	17	That's happened to you before, right?	
18	Q. Do you know who at the dealership would know	18	A. I don't recall, sir.	
19	about the operation of DealerSocket?	19	Q. Now, if you were working still at the dealership,	
20	A. I wouldn't know, sir.	20	would you be able to log in to Dealertrack system to see	
21	Q. Do you believe Mr. Stavros Orsaris would know?	21	the Dealertrack information as to Miss Francois?	
22	MR. GOODMAN: Object to the form.	22	MR. GOODMAN: Object to the form.	
23	A. I wouldn't know.	23	Hypothetical.	
24	Q. Are there different buildings for Victory	24	Go ahead.	
25	Mitsubishi or there's only one building?	25	A. No.	

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1	DAVID PEREZ	1	DAVID PEREZ
2	Q. Why not?	2	and answered.
3	A. Well, as you can see, the third page of	3	Hang on one second. Let me get the rest of
4	everything gets, like, starred out. So date of birth	4	the printout.
5	and stuff like that, we are no longer able to see that.	5	Okay. I think we have everything now.
6	Q. So you're talking about the third page, which is	6	Sorry about that.
7	Defendant's page 87. You're saying the date of birth is	7	Go ahead.
8	starred out.	8	Q. So my question is, if you were at the Victory
9	And you can see the full date of birth, if you	9	Mitsubishi today, and you were logging into the
10	were to log back into Dealertrack now and look up	10	Dealertrack system, can you view any information
11	Miss Francois' account; is that correct?	11	available on Dealertrack, other than what's on pages --
12	A. After a month, you wouldn't be able to see that.	12	pages on Exhibit 23?
13	Q. But you can see everything else in the	13	A. I don't know.
14	Dealertrack system as to Miss Francois, other than that?	14	Q. You don't know one way or the other?
15	MR. GOODMAN: When?	15	MR. GOODMAN: That's what he just said.
16	Objection to form.	16	A. Correct. I don't know, sir.
17	Q. Now, if you were able to log into the Dealertrack	17	Q. Now, when you have a credit application that you
18	system?	18	-- you pull a credit report and Yessica Vallejo submits
19	A. I'm not understanding the question.	19	a credit application and so forth, how much longer -- is
20	Q. If you were able to log in to the Dealertrack	20	there any time period that you could no longer access
21	system at Victory Mitsubishi right now, you can see	21	the information on Dealertrack regarding Miss Francois'
22	anything that's in the Dealertrack system as to	22	account?
23	Miss Francois, other than the starred out date of birth	23	A. Thirty days.
24	on page Defendant's 87, correct?	24	Q. Sorry?
25	A. The only thing that we would be able to see would	25	A. Thirty days. That's all the time they give you.
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1	DAVID PEREZ	1	DAVID PEREZ
2	be the second page.	2	Q. Only for 30 days you can review the credit
3	Q. Page -- the second page.	3	report, correct?
4	The page that's Defendant's Exhibit 86?	4	A. Correct.
5	Is that the second page at the bottom?	5	Q. But after 30 days, can you review any other
6	A. Yes.	6	information -- well, after 30 days, you can still review
7	Q. Now what about that page could you see or not	7	other information that's in the Dealertrack system
8	see?	8	regarding Miss Francois, right?
9	A. No. I'm saying, I would only be able to see	9	A. I wouldn't know.
10	that.	10	Q. You don't know one way or the other?
11	Q. You wouldn't -- couldn't see any other	11	A. Correct.
12	information about what Dealertrack has -- what's on the	12	Q. You've never had to do that in any sale ever more
13	Dealertrack system as to Miss Francois, other than those	13	than 30 days after the signing of the retail sales
14	pages that are in front of you right now on Exhibit 23?	14	contract?
15	A. That's correct.	15	You never had to go back and look at the deal --
16	Q. Why not?	16	look at what's in the Dealertrack system for a sale?
17	What can't you log in to see the rest of the	17	That never happened to you the entire time you
18	information in the Dealertrack system about	18	worked at Victory Mitsubishi?
19	Miss Francois's purchase?	19	MR. GOODMAN: Object to form.
20	A. That's above my pay grade.	20	Go ahead.
21	Q. So you don't know one way or the other, if you	21	A. No.
22	could log in to the Dealertrack system now and review	22	Q. Has anyone ever come back to you in the 250 to
23	the information in Miss Francois' account.	23	270 deals that you've done a month -- for all the years
24	Is that what you're saying?	24	you worked at Victory Mitsubishi, no consumer has come
25	MR. GOODMAN: That is what he said. Asked	25	back and told you there was a problem with the financing

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1 DAVID PEREZ	2 of a sale of a vehicle and they need to give the vehicle	1 DAVID PEREZ
3 back?	2 with the sales -- sometimes consumers come back and have	3 problems with the sale and has come back to talk to you,
4 Has that ever happened to you?	4 right?	5 A. No, sir.
5 MR. GOODMAN: Do you mean a consumer?	6 Q. No one's ever come back and talked to you about a	6 Q. Asked and answered three or
6 Object to form.	7 problem they had with a sale in the 250 to 270 sales a	7 four times already.
8 As opposed to a bank coming back?	8 month in all the years you've worked at the dealership.	8 Please, can we move on?
9 Object to form. I'm sorry.	9 Is that what you're saying; yes or no?	9 Q. Go ahead.
10 A. I wouldn't know.	10 MR. GOODMAN: Asked and answered three or	10 Yes or no?
11 Q. So -- well, you use the term I wouldn't know, and	11 four times already.	11 A. I am not in charge of that.
12 I'm not sure if that means I don't remember. So let me	12 Please, can we move on?	12 Q. I didn't ask you if you were in charge of this --
13 narrow this down.	13 Q. Go ahead.	13 A. No.
14 A. I'm saying, I wouldn't know, sir. Because I	14 Yes or no?	14 Q. -- that's a different question.
15 wouldn't know.	15 A. Sorry?	15 A. Same question, no.
16 Q. Well, I'm asking what you do know.	16 Q. No, no consumer's ever come back to you in all	16 Q. No, no consumer's ever come back to you in all
17 In your experience selling 250 to 270 cars a	17 the deals you've done and said they had a problem with	17 the deals you've done and said they had a problem with
18 month in all the years you were with the dealership,	18 the sales or financing of a vehicle from Victory	18 the sales or financing of a vehicle from Victory
19 you're saying you've never had a specific instance where	19 Mitsubishi?	19 Mitsubishi?
20 a consumer has come back and said there's been a problem	20 Is that what you're saying?	20 Is that what you're saying?
21 with the financing terms, I have to give the car back.		
22 Has that ever happened, as far as, you can recall		
23 in all the sales that you've had at Victory Mitsubishi?		
24 MR. GOODMAN: Object to the form.		
25 You can answer.		
A. I don't know.		
Page 174		Page 176
1 DAVID PEREZ	2 MR. GOODMAN: Asked and answered.	1 DAVID PEREZ
2 Q. Not that you can recall or you don't recall a	3 Q. Is that what you're saying?	2 MR. GOODMAN: Asked and answered.
3 single instance that's happened?	4 MR. GOODMAN: This is ridiculous.	3 Q. Is that what you're saying?
4 A. That's correct.	5 Go ahead.	4 MR. GOODMAN: This is ridiculous.
5 Q. Have you had a single instance where a consumer's	6 A. I wouldn't know, sir.	5 Go ahead.
6 come back and complained about any of the sales or	7 Q. So that's what you're saying, correct?	6 A. I wouldn't know, sir.
7 financing for any of the 250 to 270 deals you've done a	8 MR. GOODMAN: How many times --	7 Q. So that's what you're saying, correct?
8 month for the last few years at Victory Mitsubishi?	9 A. I wouldn't know, correct.	8 MR. GOODMAN: How many times --
9 Someone ever come back to you and complained that	10 Q. You don't remember a single time that ever	9 A. I wouldn't know, correct.
10 something deceptive or unfair happened with any car	11 happened, correct?	10 Q. You don't remember a single time that ever
11 sales?	12 MR. GOODMAN: We're up to, like, number	11 happened, correct?
12 MR. GOODMAN: Objection to form. Asked and	13 seven of this question.	12 MR. GOODMAN: We're up to, like, number
13 answered.	14 Q. Go ahead.	13 seven of this question.
14 Go ahead.	15 MR. GOODMAN: No, don't go ahead.	14 Q. Go ahead.
15 A. I wouldn't know.	16 Stop it.	15 MR. GOODMAN: No, don't go ahead.
16 Q. You don't recall sitting here today?	17 Move on.	16 Stop it.
17 A. No, I wouldn't know, sir.	18 MR. KESHAVARZ: Well, he's not answered the	17 Move on.
18 Q. Well, I wouldn't know isn't the same thing as	19 question.	18 MR. KESHAVARZ: Well, he's not answered the
19 sitting here today.	20 MR. GOODMAN: He answered it seven different	19 question.
20 Do you remember if that ever happened?	21 times.	20 MR. GOODMAN: He answered it seven different
21 A. I wouldn't know. I'm not privileged --	22 MR. KESHAVARZ: But he's not answering the	21 times.
22 Q. What do you mean by you wouldn't know?	23 question I'm asking.	22 MR. KESHAVARZ: But he's not answering the
23 A. Because, sir, they don't let me know that	24 MR. GOODMAN: Maybe more.	23 question I'm asking.
24 information. I'm in charge of the sales.	25 Q. So you don't recall a single instance that's	24 MR. GOODMAN: Maybe more.
25 Q. Right. If someone comes back and has problems		25 Q. So you don't recall a single instance that's

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1 DAVID PEREZ	2 happened, is that correct; yes or no, is that correct?	1 DAVID PEREZ
3 MR. GOODMAN: Jesus fucking Christ.	4 A. Sir, I wouldn't know.	2 a contact and put the name of the contact there.
5 Q. Why wouldn't you know?	6 A. Because it's above my pay grade.	3 Will you do that?
7 Q. Because they would complain to someone else is	8 what you're saying?	4 MR. GOODMAN: Take it under advisement.
9 A. I wouldn't know.	10 Q. Has anyone ever complained about any sale or	5 Q. Will you do that?
11 financing of any vehicle ever while you were at Victory	12 Mitsubishi?	6 Do you have any problem doing that, Mr. Perez?
13 MR. GOODMAN: To him, you mean?	14 Is that your question?	7 MR. GOODMAN: Take it under advisement.
15 Q. Ever, as far as you're aware.	16 MR. GOODMAN: Asked and answered.	8 MR. KESHAVARZ: I understand that.
17 Q. Has a customer had a problem with the sales or	18 financing of any car at Victory Mitsubishi while you	9 Q. Mr. Perez, do you have any problems with that?
19 worked there; yes or no?	20 Has that ever happened, as far as, you know?	10 MR. GOODMAN: Take it under advisement.
21 A. Again --	22 Q. As far as you know.	11 Q. I'd like to turn your attention to Exhibit No.
23 A. Again, I wouldn't know.	24 Q. As far as you know, has it ever happened; yes or	12 21, Defendant's Bates-stamped 1 through 36.
25 no?		13 It starts -- the first page, I believe, is the
		14 deal file jacket.
		15 MR. GOODMAN: You got this one?
		16 Oh, here.
		17 Okay. Take a look.
		18 A. Okay.
		19 Q. Before I ask about that exhibit, have you -- to
		20 your knowledge, have you ever met Miss Francois, at any
		21 point?
		22 I asked you this before, and I think I know the
		23 answer, but I want to make sure.
		24 At any point in time, have you ever met --
		25 believe you met Miss Francois?
Page 178		Page 180
1 DAVID PEREZ	2 MR. GOODMAN: Okay. That's it. We're not	1 DAVID PEREZ
3 answering another time.	4 You can put it on your list and go to the	2 MR. GOODMAN: Object to form. Asked and
5 judge, call the court, whatever you want to do.	6 This is absurd. It's argumentative,	3 answered.
7 wasteful, and we need to move forward.	8 MR. KESHAVARZ: Mark for a ruling.	4 Go ahead.
9 Q. Do you know whose phone number 347-995-5054 is?	10 A. I wouldn't know.	5 A. I never met her.
11 Q. Do you have your phone on you?	12 A. I do.	6 Q. You don't remember she came back to the
13 Q. Can you call that number and see if you have that	14 name in your contacts and whose name that is?	7 dealership on September 2020 and complained that she'd
15 MR. GOODMAN: We're not doing that.	16 Q. Will you do that or not, sir?	8 been defrauded?
17 MR. GOODMAN: Absolutely not. I will not	18 MR. GOODMAN: And I'm telling you, I'm not	9 You don't remember anything about that?
18 allow it.	19 MR. KESHAVARZ: I'm asking him.	10 A. I wouldn't know.
20 Q. Yes or no?	21 Q. Will you check your -- leave a mark here at the	11 Q. And has anyone at the dealership ever told you
22 letting him do it. It's not going to happen.	23 deposition, and ask if you could check your cell phone	12 that Miss Francois claimed that she was defrauded by
23 Q. Will you check your -- leave a mark here at the	24 to see if you have that phone number listed anywhere as	13 Victory Mitsubishi?
24 deposition, and ask if you could check your cell phone		14 Anyone at the dealership ever tell you that?
25 to see if you have that phone number listed anywhere as		15 A. I wouldn't know, sir.
		16 Q. You don't remember?
		17 A. No, I wouldn't know. That's above my pay grade.
		18 Q. Ever hear the name Emmanuel Laforest?
		19 A. Yes.
		20 Q. Who is that?
		21 MR. GOODMAN: Who is that?
		22 Q. Who is Emmanuel Laforest?
		23 A. A customer.
		24 Q. How do you know he was a customer?
		25 A. Because of what I have here in front of me.

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181-184

Page 181		Page 183	
1	DAVID PEREZ	1	DAVID PEREZ
2	Q. I see.	2	A. I wouldn't know.
3	Do you remember ever meeting Emmanuel Laforest?	3	Q. Do the documents tell you?
4	A. Don't remember, sir.	4	MR. GOODMAN: Look at the documents and see
5	Q. Do you remember -- did anyone at the car	5	who was involved.
6	dealership tell you the name Emmanuel Laforest, at any	6	A. Yessica.
7	point?	7	Q. If you said something, I couldn't hear?
8	MR. GOODMAN: Objection to form.	8	MR. GOODMAN: Yessica.
9	Go ahead.	9	Q. Okay. And what document page number are you
10	A. Don't recall.	10	looking at?
11	Q. Is the exhibit in front of you the deal file that	11	A. That was page number Defendant's 16.
12	you reviewed in preparation for your deposition?	12	Q. All right.
13	A. Yes.	13	Why don't we just take it from the top. Why
14	Q. Were there any other documents in the deal file	14	don't you start with the first page.
15	that are not in front of you now?	15	What is the first page of Defendant's Exhibit 1?
16	Strike that.	16	What is that?
17	Were there any documents in the deal file that	17	A. That's the front of the deal jacket.
18	you reviewed in preparation for your deposition that is	18	Q. Says in the lower right-hand side, "JSE8212."
19	not in front of you now?	19	What does that mean?
20	A. No.	20	A. I wouldn't know.
21	Q. And now the reverse question.	21	Q. But this is the deal file that you physically
22	Were there any documents that are in front of you	22	bring in to show to Yessica Vallejo, right?
23	now that were not in the deal jacket that you reviewed	23	A. That's correct.
24	in preparation for your deposition?	24	Q. Do you write anything on the deal file?
25	A. I don't understand the question.	25	A. No.
Page 182		Page 184	
1	DAVID PEREZ	1	DAVID PEREZ
2	Q. Well, I guess I'm asking the reverse.	2	Q. Do you put the sticker on the deal file on page
3	All the documents that you reviewed in	3	1?
4	preparation for your deposition is in front of you now,	4	A. No.
5	right?	5	Q. How is that generated?
6	A. Yes.	6	A. I wouldn't know.
7	Q. Basically, I'm just wondering, were there any	7	Q. Would you bring the deal file to Ms. Vallejo?
8	additional document that are in front of you now -- in	8	Is it in a jacket that looks like page 1 -- the
9	other words, are there more pages now than there were in	9	folder that looks like page 1?
10	the deal jacket that you saw last Thursday?	10	A. Yes.
11	A. No.	11	Q. When you give it to her, do you give it to her
12	Q. All right.	12	with a jacket that's blank?
13	Then the document that you saw last Thursday was	13	A. Yes.
14	the original documents, correct?	14	Q. All right. Turning to exhibit page number 2.
15	MR. GOODMAN: Were the what?	15	Do you remember if you've seen this -- from your
16	I'm sorry.	16	own memory, sitting here today, do you remember if
17	Q. They weren't photocopies of documents.	17	you've seen Defendant's page 2 before?
18	They were the original documents, right?	18	A. Part of it.
19	Is that right?	19	Q. What do you remember seeing before, in your own
20	A. I don't recall.	20	memory?
21	Q. Is there anything in the deal file that you have	21	MR. GOODMAN: Object to form.
22	in front of you that indicates who -- strike that.	22	You're saying before meeting -- before he
23	In the deal file that's in front of you, who can	23	prep for the deposition -- before he saw it last week
24	you tell that was involved in the sale and financing of	24	or what?
25	a vehicle to Miss Francois?	25	MR. KESHAVARZ: Exactly.

DAVID PEREZ
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Page 185		Page 187
1 DAVID PEREZ	2 A. Yeah. This credit app that we used at Victory.	1 DAVID PEREZ
3 Q. Now do you remember -- other than looking at it	2 A. He had no credit.	3 Q. You mean bad credit or no credit history, at all?
4 last week and looking at it now, do you remember seeing	4 A. No credit history, at all.	5 Q. All right.
5 this document?	5 Q. All right.	6 And would you have run the credit for the
6 MR. GOODMAN: He means filled out.	7 I assume, Ahmad, with it filled out, not the	7 applicant named Emmanuel Laforest or the co-applicant
8 blank form.	8 Farrah Jean Francois?	8 Farrah Jean Francois?
9 MR. KESHAVARZ: Exactly.	9 Do you know?	9 Do you know?
10 A. No, I don't remember.	10 A. Well, that's the 0/0 on top of Emmanuel. So I	10 A. Well, that's the 0/0 on top of Emmanuel. So I
11 Q. Do you recognize any handwriting on Defendant's	11 would have run Emmanuel's.	11 would have run Emmanuel's.
12 Exhibit 2?	12 Q. So if you ran Miss Francois' credit, and there	12 Q. So if you ran Miss Francois' credit, and there
13 MR. GOODMAN: What's the question?	13 wasn't any credit on file, at all, for her, you would	13 wasn't any credit on file, at all, for her, you would
14 Does he recognize the handwriting?	14 put 0/0 for her, right?	14 put 0/0 for her, right?
15 Q. Do you recognize any of the handwriting on	15 A. If I had ran it, yes.	15 A. If I had ran it, yes.
16 Defendant's Exhibit 2, page 2.	16 Q. And did you run a credit for Miss Francois?	16 Q. And did you run a credit for Miss Francois?
17 A. I'm looking.	17 A. From what I'm looking at, no.	17 A. From what I'm looking at, no.
18 Q. You don't recognize it?	18 Q. Based -- well, did you ever run credit for --	18 Q. Based -- well, did you ever run credit for --
19 MR. GOODMAN: He said I'm looking.	19 check Miss Francois' credit report, at any point?	19 check Miss Francois' credit report, at any point?
20 MR. KESHAVARZ: Oh, sorry.	20 A. I wouldn't know.	20 A. I wouldn't know.
21 Q. I'm sorry.	21 Q. You mean, you don't remember; is that right?	21 Q. You mean, you don't remember; is that right?
22 What was the answer?	22 A. Same thing. I don't remember. But I can tell	22 A. Same thing. I don't remember. But I can tell
23 MR. GOODMAN: He didn't give an answer.	23 you, if I did, I would have made an indication.	23 you, if I did, I would have made an indication.
24 He's still looking at it.	24 Q. And what would you have written down and where?	24 Q. And what would you have written down and where?
25 Q. Just so it's clear, do you recognize any	25 A. Whatever it was at the point.	25 A. Whatever it was at the point.
Page 186		Page 188
1 DAVID PEREZ	2 handwriting on the page that Defendant's 2?	1 DAVID PEREZ
3 MR. GOODMAN: You can answer.	2 Q. You mean you'd write down her credit score?	2 Q. You mean you'd write down her credit score?
4 A. Yeah.	3 A. Uh-huh. Yes.	3 A. Uh-huh. Yes.
5 Q. Whose handwriting do you recognize on Defendant's	4 Q. And from what credit reporting agency would you	4 Q. And from what credit reporting agency would you
6 page 2?	5 write the score down?	5 write the score down?
7 A. If you take a look on the top where it says	6 A. From the ones that we use.	6 A. From the ones that we use.
8 applicant --	7 Q. And which credit reporting agencies did Victory	7 Q. And which credit reporting agencies did Victory
9 Q. Yes.	8 Mitsubishi use while you were there?	8 Mitsubishi use while you were there?
10 A. -- 0/0 --	9 A. Experian and TransUnion.	9 A. Experian and TransUnion.
11 Q. Yeah.	10 Q. And those numbers, that credit score from	10 Q. And those numbers, that credit score from
12 A. -- that's my handwriting.	11 Experian and TransUnion would often be different	11 Experian and TransUnion would often be different
13 Q. Okay. And anything else on the document that's	12 numbers, correct?	12 numbers, correct?
14 who handwriting that you recognize?	13 A. Yes.	13 A. Yes.
15 A. No.	14 Q. And that's because, it's your understanding, that	14 Q. And that's because, it's your understanding, that
16 Q. The 10,000 down number 3095, you recognize that	15 TransUnion and Equifax have different scoring models, so	15 TransUnion and Equifax have different scoring models, so
17 handwriting?	16 the numbers would be different, correct?	16 the numbers would be different, correct?
18 A. No, I don't.	17 A. I'm sorry, I couldn't hear you.	17 A. I'm sorry, I couldn't hear you.
19 Q. The 0/0 that's your handwriting that you wrote,	18 Q. Is it your understanding that the numbers are	18 Q. Is it your understanding that the numbers are
20 what does that mean?	19 different, because they're different score criteria for	19 different, because they're different score criteria for
21 A. Well, when I ran the credit, usually, I will put	20 TransUnion and Equifax?	20 TransUnion and Equifax?
22 what the credit was or is at the time.	21 A. I don't understand the question.	21 A. I don't understand the question.
23 Q. And what is 0/0 mean to you?	22 Q. I mean, so TransUnion might use, hypothetically,	22 Q. I mean, so TransUnion might use, hypothetically,
24 A. He had no credit.	23 1 to 10 and Equifax might use a score of 1 to 5.	23 1 to 10 and Equifax might use a score of 1 to 5.
25 Q. I can't hear you.	24 Is that one of the reasons why there would be	24 Is that one of the reasons why there would be
	25 different credit scores from different credit reporting	25 different credit scores from different credit reporting

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189-192

Page 189		Page 191	
1	DAVID PEREZ	1	DAVID PEREZ
2	agencies; is that right?	2	Q. Pages 4, 5, 6, 7, 8, 9, is that the retail
3	A. I wouldn't know what they use to put their credit	3	installment sales contract for the attempt to sell the
4	scores.	4	used 2017 BMW 5 series vehicle?
5	Q. Why TransUnion and Equifax for credit scores when	5	A. Yes.
6	you would check?	6	Q. And this is listed in the name of Miss Francois,
7	A. I wouldn't know, sir.	7	correct?
8	Q. And we've established already -- strike that.	8	A. Yes.
9	According to the documents from the deal file and	9	Q. Now, if a person was an applicant purchasing a
10	-- strike that.	10	vehicle, the dealership would only consider the credit
11	Sitting here today, do you know if any of the	11	of the applicant, not the co-applicant in making a loan
12	employment information that's listed on Defendant's 2	12	for the vehicle; is that correct?
13	was verified by Victory Mitsubishi?	13	A. I wouldn't know.
14	A. I wouldn't know, sir.	14	Q. And in the retail sales installment contract for
15	Q. And by wouldn't you, you don't know; is that	15	the sale of a vehicle, the dealership would only list
16	right?	16	the applicant, not the co-applicant as the purchaser for
17	A. I wouldn't know.	17	the vehicle; is that correct?
18	Q. It seems as if we're having a disconnect in the	18	A. I wouldn't know.
19	phrasing. And there's no reason to argue about it.	19	Q. The signature on pages 4 through 9, is that a
20	But when you say I wouldn't know, do you mean I	20	digital signature, is that affixed or is that a manual
21	don't know either way?	21	signature that's placed on a physical piece of paper?
22	Is that what you mean?	22	A. I wouldn't know, sir. This is above --
23	A. No. I mean, I wouldn't know if they did or they	23	Q. Page 10.
24	didn't. It's not part of my job, sir. So I'm answering	24	Sorry?
25	how I can. I wouldn't know.	25	A. That's above my pay grade.
Page 190		Page 192	
1	DAVID PEREZ	1	DAVID PEREZ
2	Q. That wouldn't have been part of your normal job.	2	Q. I mean, you're a manager there. That's confusing
3	But when you say you wouldn't know, that means	3	to me.
4	you don't know, even if wasn't part of your job, right?	4	A. This has to do with finance, sir. I told you I'm
5	MR. GOODMAN: Objection to the form.	5	a sales manager. We have a finance manager.
6	Q. As a normal course of business with Victory	6	Q. And you pull the credit for the purchases of
7	Mitsubishi, they wouldn't ask to verify employment or	7	extended credit, right?
8	income unless the finance company said that that was a	8	A. To see what they are on their credit.
9	stipulation of getting credit; is that correct?	9	Q. So you pull -- all right.
10	MR. GOODMAN: Object to form.	10	Do you recognize the signatures on page 9?
11	Go ahead.	11	A. No.
12	A. Yes.	12	Q. Who normally signs resale installment sales
13	Q. Now -- and so anything on page 2 indicate to you	13	contracts for the dealership?
14	who at Victory Mitsubishi was involved in attempted sale	14	Is that Ms. Vallejo?
15	or financing, other than yourself, on exhibit -- on page	15	A. The finance manager, yes.
16	2?	16	Q. Would you recognize the signature of Ms. Vallejo?
17	A. No.	17	A. No.
18	Q. Page 3, what is that document?	18	Q. You've seen Ms. Vallejo's signature a number of
19	A. This is a receipt for money that was given.	19	times in the 250 to 270 car sales you did in a month for
20	Q. Who, typically, issues the receipts?	20	the last two years plus you worked at the dealership,
21	A. I wouldn't know.	21	right?
22	Q. So you don't know -- nothing in this document	22	MR. GOODMAN: Objection to the form.
23	indicates to you who, at Victory Mitsubishi, was	23	Q. You've seen her signature a bunch of times,
24	involved, at this point, regarding this vehicle, right?	24	right?
25	A. I wouldn't know who.	25	A. No.

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Page 193		Page 195	
1	DAVID PEREZ	1	DAVID PEREZ
2	MR. GOODMAN: Objection.	2	to Ms. Vallejo?
3	Q. Have you ever seen her signature before?	3	A. No.
4	MR. GOODMAN: Objection.	4	Q. Do you know why facility name is listed as Bronx
5	A. No.	5	Suzuki and not Victory Mitsubishi?
6	Q. Page Defendant's 10, what is that?	6	A. I wouldn't know, sir.
7	Wait. Wait. Strike that.	7	Q. Do you know if Victory Mitsubishi was ever known
8	Going back, is anything in the retail sales	8	as Bronx Suzuki?
9	contract indicate to you who was involved in the sale	9	A. I wouldn't know.
10	and financing of the vehicle?	10	Q. Anything in this document indicate to you who's
11	A. No.	11	involved in the sales and financing of the vehicle?
12	Q. What's page 10?	12	A. No.
13	A. Looks like it's a motor vehicle document.	13	Q. What is Defendant page 12?
14	Q. What type of document?	14	A. I don't know what this is.
15	A. I don't really know.	15	Q. You've never seen a dealership recap sheet
16	Q. So working at a car dealership for your entire	16	before?
17	career, you don't know what Exhibit No. 10 is.	17	A. No.
18	Is that what you're saying?	18	MR. GOODMAN: Can we stop with the faux
19	MR. GOODMAN: Objection. Argumentative.	19	surprise there and just ask questions, please?
20	Objection form.	20	Q. And it says, "House sales rep 999."
21	Q. Is that what you're saying; yes or no?	21	What does that mean?
22	A. That is correct. I don't do motor vehicles, sir.	22	MR. GOODMAN: He just said he doesn't know
23	MR. KESHAVARZ: So just for the record, this	23	what this is.
24	document is entitled "Vehicle Registration Title	24	Now you're going to ask him to describe
25	Application Dealer Sales."	25	parts of it?
Page 194		Page 196	
1	DAVID PEREZ	1	DAVID PEREZ
2	Q. Do you know if this information on this form gets	2	MR. KESHAVARZ: That's right.
3	filled out by the dealership?	3	Q. Do you know what house sales representative 999
4	A. I wouldn't know.	4	means?
5	Q. What were the finance companies that Victory	5	A. I wouldn't know.
6	Mitsubishi used for the time that you worked there?	6	Q. Do you know what ID numbers are in the next to
7	A. I'm sorry?	7	last bracket?
8	Q. Who are the finance companies that Victory	8	Says, "ID 8031. Name: Yessica Vallejo."
9	Mitsubishi used while you worked there?	9	Do you know what ID means?
10	A. I don't recall.	10	A. I wouldn't know.
11	Q. Did you know, at any point, and just don't recall	11	Q. You've never seen it before?
12	now or is that something you never knew?	12	A. No.
13	A. I'm sorry?	13	Q. No employee has ever used the ID name or number
14	Q. Is that something that you know at some point or	14	in all the years -- you've never noticed that in all the
15	something that you never knew?	15	years you've worked at the dealership?
16	MR. GOODMAN: How can he answer that?	16	A. No.
17	Object to form.	17	Q. Do you have an ID number?
18	Q. Go ahead.	18	A. I wouldn't know.
19	A. I don't know.	19	Q. You mean you don't remember?
20	Q. What's Defendant's page 11?	20	Is that what you mean?
21	What is that?	21	MR. GOODMAN: No.
22	A. Vehicle inspection report.	22	A. No. I wouldn't know.
23	Q. Have you ever seen a document like this before?	23	Q. So -- okay.
24	A. Yeah.	24	So it says, "Commission 317 for Yessica Vallejo."
25	Q. This is one of the documents that you were taking	25	Do you know if that means she was actually

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197-200

Page 197		Page 199	
1	DAVID PEREZ	1	DAVID PEREZ
2	supposed to get a commission of that amount?	2	Q. Getting back to Defendant's page 2, the credit
3	A. I wouldn't know.	3	application and co-application dated May 30th, 2020, I
4	Q. On the upper -right-hand side it says, "Date:	4	see there's signatures for someone named Emmanuel
5	July 15, 2020."	5	Laforest and Farah Jean Francois.
6	Is that the date of printout?	6	Do you see that?
7	A. I wouldn't know.	7	A. I see the signatures.
8	Q. Is this document -- strike that.	8	Q. So since those -- both names are both signed,
9	Have you ever seen a deal file after the	9	does that mean that someone at the dealership should
10	consummation of a deal, after the deal is done, have you	10	have confirmed the identity of Laforest and Francois by
11	ever seen the deal jacket after that?	11	looking at the license -- their license -- the driver's
12	MR. GOODMAN: Object to form.	12	licenses on May 30th, 2020?
13	Go ahead.	13	A. That means that it was confirmed.
14	A. On Thursday.	14	Q. And that person who would have confirmed would
15	Q. I'm sorry?	15	have either been you, Stavros or an auto salesperson,
16	A. On Thursday, sir.	16	correct?
17	Q. But in all the years you've worked at Victory	17	MR. GOODMAN: Or what?
18	Mitsubishi, you've never seen what's in a deal file	18	What was the last thing you said?
19	after the car is sold.	19	MR. KESHAVARZ: Or auto salesperson.
20	Is that what you're saying?	20	A. Me or Stavros.
21	A. That is correct.	21	Q. You or Stavros. Okay.
22	Q. So you don't know if Exhibit -- the recap sheet	22	Do you remember checking in this case?
23	that's Exhibit 12, you don't know if that's something	23	A. I don't recall.
24	that normally goes into the dealership -- into the deal	24	Q. So what I was getting to before our break was
25	file?	25	Defendant's page 13.
Page 198		Page 200	
1	DAVID PEREZ	1	DAVID PEREZ
2	A. I wouldn't know.	2	The signature of the sales representative, do you
3	Q. Is information on -- from Exhibit 12, page 12 --	3	know whose signature that is?
4	excuse me -- something that would be listed in the	4	A. Well, it says Yessica. So I'm assuming it's
5	Dealertrack system?	5	hers.
6	A. I wouldn't know.	6	Q. But you don't recognize the signature?
7	Q. Have you ever seen it listed in the Dealertrack	7	A. I've never seen her signature.
8	system?	8	Q. And there's a signature on page Defendant 13,
9	A. I wouldn't know.	9	does that look to you like the same signature on
10	Q. What is page 13?	10	Defendant 9?
11	A. Looks like a service contract.	11	MR. GOODMAN: Object to the form.
12	Q. Have you ever seen service contract like page 13	12	You're asking for a handwriting expert now.
13	before preparation for your deposition today?	13	I object.
14	A. I'm sorry.	14	Q. You can answer.
15	I didn't understand the question.	15	A. You said what page?
16	Q. Have you ever seen a form like this before your	16	Q. Sure. The signature on page 9 and the signature
17	preparation for your deposition today -- - preparation	17	on page 13, the signatures appear to be the same?
18	for your deposition?	18	MR. GOODMAN: Object to the form.
19	A. No.	19	A. I wouldn't know.
20	Q. Do you recognize the signature of the sales	20	Q. You don't have an opinion one way or the other?
21	representative?	21	MR. GOODMAN: That's what he just said.
22	A. I'm sorry?	22	Let's move on.
23	Q. On the bottom of page 13, do you recognize the	23	Q. I noted on page 9 there's no printed name for
24	signature?	24	someone at Mitsubishi, no printed title.
25	A. Yessica.	25	Should a retail installment contract be fully

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201-204

Page 201		Page 203	
1	DAVID PEREZ	1	DAVID PEREZ
2	completed before the consumer signs it?	2	Don't answer.
3	MR. GOODMAN: Object to form.	3	Mark it for a ruling.
4	Go ahead.	4	Q. Is there anyone else who worked at the dealership
5	A. I wouldn't know.	5	in the time you worked there whose salesperson code is
6	Q. You don't know if a retail sales contract should	6	Y-E-S-S?
7	be fully completed before being signed by a consumer at	7	A. Don't recall.
8	a dealership?	8	Q. Do you know of anyone -- do you know what a
9	You don't know one way or the other?	9	salesperson code is?
10	MR. GOODMAN: That's what he just said.	10	A. I do not.
11	A. I wouldn't know, sir.	11	Q. Going to page 14, what is page 14?
12	Q. Well, when you get paid for a commission on 250	12	A. Looks like a printout from Dealertrack.
13	to 270 cars a month, what is the commission per car?	13	Q. Why do you say that?
14	A. I don't recall.	14	A. Because it says Dealertrack on the top.
15	Q. \$1,000?	15	Q. Are you able to print out -- have you ever seen
16	\$10?	16	this document before deposition preparation for today?
17	\$50?	17	Have you ever seen this document before last
18	Ballpark.	18	week?
19	MR. GOODMAN: He said he doesn't recall.	19	A. No.
20	Q. More than \$10 per car?	20	Q. On the top it says, "Contract details print," and
21	A. I don't recall. It could be less than \$10 a car.	21	on the left it says, "7/1/2020."
22	MR. GOODMAN: He just said he doesn't	22	Do you believe this document, page 14, was
23	recall.	23	printed out on July 1st, 2020?
24	Q. You can answer.	24	A. I wouldn't know.
25	MR. GOODMAN: No. We're not going to do	25	Q. Do you know if this is the type of document that
Page 202		Page 204	
1	DAVID PEREZ	1	DAVID PEREZ
2	this constant asking the same question.	2	normally goes into deal file?
3	Q. \$1 a car?	3	A. I wouldn't know.
4	A. I don't recall, sir.	4	Q. Is this document something that you'd be able to
5	Q. It could be a \$1 a car.	5	review on Dealertrack regarding Miss Francois?
6	Is that you're saying?	6	A. I wouldn't know.
7	It's possible that your commission could have	7	Q. It says, "Capital One booked."
8	been \$1 a car.	8	Do you know what booked means?
9	Is that possible?	9	A. I would not.
10	Is that correct?	10	Q. It says, "Dealer participation \$1,420.84."
11	MR. GOODMAN: Objection to form.	11	Do you know what dealer participation means?
12	Argumentative.	12	A. I wouldn't know.
13	Q. Go ahead. You can answer.	13	Q. Dealer fee \$2,930, do you know what dealer fee
14	It's possible it could have been \$1 per car for	14	is?
15	your commission per car; is that right?	15	A. I wouldn't know.
16	MR. GOODMAN: Objection.	16	Q. Amount financed says, "\$29,462.81."
17	A. I don't recall.	17	Do you know what the term "Amount financed"
18	Q. So the answer's yes, it's possible?	18	means?
19	MR. GOODMAN: No. The answer's not yes.	19	A. I wouldn't know, sir.
20	The answer's I don't recall.	20	Q. It says, "Relationship manager: Andrew Lattin."
21	Let's go.	21	Is there anyone who worked at the dealership
22	MR. KESHAVARZ: Mark it for a ruling.	22	Victory Mitsubishi named Andrew Lattin?
23	Q. Is it possible you can have been paid more than	23	A. I wouldn't know, sir.
24	\$10,000 per car sale?	24	Q. Would the relationship manager be the
25	MR. GOODMAN: Objection.	25	relationship manager at Capital One Auto Finance?

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FRANCOIS V. VICTORY AUTO GROUP

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205-208

Page 205		Page 207
1	DAVID PEREZ	1
2	A. I wouldn't know.	2
3	Q. Would the app ID number that's listed be the app	3
4	ID number for Capital One Auto Finance?	4
5	A. I wouldn't know.	5
6	Q. Do you know if the phone number listed underneath	6
7	Andrew Lattin is the phone number for Capital One Auto	7
8	Finance?	8
9	A. I wouldn't know.	9
10	Q. Do you know what a funding manager is that's	10
11	listed on the document?	11
12	Do you know what a funding manager is?	12
13	A. I wouldn't know.	13
14	Q. You never heard the term before today?	14
15	A. No.	15
16	Q. Defendant's page 15, have you ever seen this form	16
17	before called a "Used Car Consumer's Bill of Right"?	17
18	Have you ever seen this form before?	18
19	A. Before Thursday, no.	19
20	Q. Showing you defendant's 16. This is a buyers	20
21	order for Victory Mitsubishi for the purchase of a car	21
22	in Ms. Francois' name, correct?	22
23	A. Correct.	23
24	Q. And according to this document, the salesman says	24
25	"House sales rep."	25
Page 206		Page 208
1	DAVID PEREZ	1
2	Do you know what house sales rep means?	2
3	A. No.	3
4	Q. It says, "Customer number: Yessica Vallejo."	4
5	Do you know what that means?	5
6	A. I wouldn't know.	6
7	Q. It says in the upper-right-hand corner, "\$3,000	7
8	Interstate Star Auto."	8
9	Do you know what Interstate Star Auto is?	9
10	A. I wouldn't know.	10
11	Q. Do you know what the \$3,000 charge to Interstate	11
12	Star Auto means?	12
13	A. I wouldn't know.	13
14	Q. Says, "License and title."	14
15	Do you know what license and title means?	15
16	A. I wouldn't know.	16
17	Q. It says, "Sales tax 8.875."	17
18	Do you know what sales tax means?	18
19	A. I know what sales tax is, yes.	19
20	Q. Sorry?	20
21	A. I do know what sales tax is, yes.	21
22	Q. "Tire disposal fee not applicable."	22
23	Do you know what tire disposal fee is?	23
24	A. I wouldn't know.	24
25	Q. "New York State Inspection fee of \$37."	25

DAVID PEREZ
FRANCOIS V. VICTORY AUTO GROUPNovember 21, 2022
209-212

Page 209		Page 211
1 DAVID PEREZ	2 Q. You don't know.	1 DAVID PEREZ
3 You didn't see any of the signatures -- any of	4 the signed documents that are in front of you as Exhibit	2 company?
5 -- deal file, Exhibit 21, that we're reviewing?	6 You don't -- you haven't seen any of those people	3 MR. GOODMAN: Object to form.
7 sign the documents?	8 MR. GOODMAN: Objection to the form.	4 A. No.
9 What was the question?	10 Never seen --	5 Q. Do you have to go back sometimes to talk to a
11 Q. Any of the documents -- well, I'll just go to --	12 Defendant 15, did you see anyone sign that document?	6 consumer, saying there is a problem with the financing
13 A. I wouldn't know.	14 Q. Page 13, did you see anyone sign that document?	7 of a vehicle?
15 A. I don't remember.	16 Q. I can't hear you.	8 A. I don't understand the question.
17 A. I don't remember.	18 Q. In the upper-right-hand side it says, "3385/157."	9 Q. Did you ever go back to a consumer that says,
19 Do you know whose handwriting that is?	20 A. I wouldn't know.	10 finance company says that you need to provide proof of
21 Q. Do you know what that means?	22 A. I do not.	11 income, proof of residence or anything like?
23 Q. The handwritten dates and contract price, do you	24 Q. The handwritten dates and contract price, do you	12 A. Yes, I've done that before.
25 A. I do not.	25 A. I do not.	13 Q. That's because that's a stipulation by the
		14 finance company?
		15 A. Oh, okay.
		16 Q. I'm asking you.
		17 A. Well, I thought you knew that you're telling me.
		18 I wouldn't know, sir.
		19 Q. But you have the ability to look at pages --
		20 documents that are pages 17 and 18 on Dealertrack?
		21 MR. GOODMAN: Object to form. Asked and
		22 answered many times. Wasteful.
		23 Move on.
		24 A. No.
		25 Q. Have you seen exhibit -- the form that's Exhibit
Page 210		Page 212
1 DAVID PEREZ	2 Q. Did you see -- going back to the resale	1 DAVID PEREZ
3 installment and sales contract, page 9, did you see any	4 of those signatures being made?	2 -- that's Defendant's 19, have you seen that form
5 A. I don't remember.	6 Q. Did you see any of the signatures on the retail	3 before?
7 installment sales contracts on any of the pages, pages 4	8 through 8, being -- 4 through 9 being made?	4 A. This appears to be a credit application.
9 A. Don't remember.	10 Q. After a buyers order is signed, those documents	5 Q. Did you see page document 19 signed?
11 are scanned into Victory Mitsubishi's file, right?	12 A. I wouldn't know.	6 Did you see it physically signed?
13 Q. There would only be one signed retail buyer	14 Q. There would only be one signed retail buyer	7 A. I don't remember.
15 A. I wouldn't know.	16 Q. Page 17, have you seen this document before?	8 Q. And did you -- did the dealership information
17 A. No.	18 Q. Is this a response to a credit application by	9 printed out on Exhibit page 19, that's information that
19 Capital One Auto Finance?	20 A. I would not know.	10 is put into the computer by Victory Mitsubishi, right?
21 Q. Do you know what stipulations are by a finance	22 Q. Do you know what stipulations are by a finance	11 MR. GOODMAN: Object to form.
22 company looking to finance the purchase of a vehicle	23 from Victory Mitsubishi?	12 A. I wouldn't know.
23	24 A. I wouldn't know.	13 Q. All right.
25 Q. You don't know what a stipulation is by a finance	25 Q. The form that the auto salesperson would have	14 Do you know what page 21 is?

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FRANCOIS V. VICTORY AUTO GROUP

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213-216

Page 213		Page 215
1	DAVID PEREZ	1
2	signed and brought to you, is the form entitled "Credit	2
3	application," that's Defendant page 2, correct?	3
4	A. That is correct.	4
5	Q. Have you ever seen a form like page 22,	5
6	Defendant's 22?	6
7	A. No.	7
8	Q. Do you know what a collision avoidance system is?	8
9	A. I do.	9
10	Q. What is it?	10
11	A. You want me to describe what it does?	11
12	Q. Do you know -- optional equipment, do these	12
13	optional items that are put into the sales price of the	13
14	vehicle that was financed in Miss Francois' name?	14
15	A. I'm sorry.	15
16	What was the question?	16
17	Q. Were these optional components that were put into	17
18	the car and that were sold in Miss Francois' name that's	18
19	on page 22?	19
20	A. I wouldn't know.	20
21	Q. Why are there -- on page 22, why is the sales	21
22	price for the vehicle 26,575, but on the next page of	22
23	the same form, the sales place is \$30,125?	23
24	A. I wouldn't know.	24
25	Q. Who would know?	25
Page 214		Page 216
1	DAVID PEREZ	1
2	Who, at the dealership, would know?	2
3	MR. GOODMAN: Object to the form.	3
4	Go ahead.	4
5	A. Finance.	5
6	Q. Yessica Vallejo?	6
7	A. Finance, yeah.	7
8	Q. Anyone else?	8
9	A. I wouldn't know.	9
10	Q. Would Mr. Stavros know?	10
11	A. I wouldn't know.	11
12	Q. All right.	12
13	Do you know what page 24 is?	13
14	A. No.	14
15	Q. Do you know if -- do you know if the finance	15
16	companies would more likely fund a deal if there's a	16
17	larger cash down payment than if there isn't?	17
18	A. I wouldn't know, sir.	18
19	Q. Page 26, what is that?	19
20	A. This is the sales worksheet.	20
21	Q. Is that in -- is the handwriting there yours?	21
22	A. No.	22
23	Q. Why does it have your name, David Perez, as the	23
24	sales person in the upper-right-hand side?	24
25	A. I wouldn't know.	25

DAVID PEREZ
FRANCOIS V. VICTORY AUTO GROUPNovember 21, 2022
217-220

Page 217		Page 219	
1	DAVID PEREZ	1	DAVID PEREZ
2	fill in the numbers that's on the Four Square that's	2	Q. On the lower-right-hand side in very small font
3	page 26, right?	3	underneath the signature -- underneath the finance
4	A. Not the price. The cash down, the type of	4	manager it says, "5/20/2020 at 2:16 p.m."
5	vehicle they're looking at, if they have a trade in.	5	Does this mean this document was printed by
6	Q. I'm sorry.	6	Mitsubishi -- Victory Mitsubishi on May 30th, 2020, at
7	Did you say yes or no?	7	2:16 p.m.?
8	Did you say the salesperson would put down the	8	A. I don't know.
9	price on the --	9	Q. In the lower-left-hand side it says, "Salesman"
10	A. Wouldn't.	10	and it has a number "10362."
11	MR. GOODMAN: Would not.	11	Is that -- do you know what that number is?
12	Q. So do you know if the salesperson put down the	12	A. I don't know.
13	cash down payment of 10,000?	13	Q. You'd be the sales manager as of May 2020, right?
14	A. I wouldn't know.	14	A. That is correct.
15	Q. When you were salesperson, would you put down	15	Q. So if that number refers to you, you would know
16	that, the cash down?	16	what that number meant, right?
17	A. Yes. If that's what the customer told me.	17	A. I would not.
18	Q. And the cross out of the trade-in, is that	18	Q. Have you ever seen pages -- driver's licenses
19	something the salesperson would do?	19	that are pages 27 and 28 before last week?
20	A. They could, if there was no trade in.	20	A. I don't remember.
21	Q. The salesperson wouldn't put down the monthly	21	MR. GOODMAN: Probably not before last week.
22	payment that the consumer wants or the price of the	22	Is that the question?
23	vehicle the consumer wants?	23	MR. KESHAVARZ: Yeah.
24	A. No.	24	MR. GOODMAN: You said ever.
25	Q. So then what's the purpose of the squares that	25	MR. KESHAVARZ: No. I said before last
Page 218		Page 220	
1	DAVID PEREZ	1	DAVID PEREZ
2	are priced monthly payment, if that's not something	2	week.
3	filled out by the -- either the consumer or the auto	3	MR. GOODMAN: Oh, okay. If you did, I
4	salesperson?	4	missed it.
5	Why do they have those boxes there?	5	A. I don't remember.
6	Why do you have the Four Square there?	6	Q. Page 29, what is page 29, if you know?
7	MR. GOODMAN: Object to form.	7	What is that form, excuse me?
8	You can answer, if you understand.	8	A. Motor vehicle form.
9	A. I don't know why.	9	Q. Have you ever seen this form before your
10	Q. But Defendant's Exhibit 26 is something that's	10	preparation for your deposition?
11	filled out by the salesperson, right?	11	A. No.
12	A. I'm sorry?	12	Q. Have you ever seen the back of the -- apparently
13	Q. Defendant's Exhibit 26 is something that's filled	13	the back of the form, Defendant's page 30?
14	out by the salesperson, correct?	14	Have you ever seen that before preparation for
15	A. Most of the stuff, yes.	15	your deposition in this case?
16	Q. And does the finance person fill it out --	16	A. No.
17	finance manager?	17	Q. Do you know whose signature is on the bottom
18	A. No.	18	right-hand side of Defendant page 29 -- the signature of
19	Q. When was this form filled out, can you tell, this	19	authorized representative?
20	document?	20	A. Where?
21	A. I wouldn't know.	21	Q. Defendant's 29, lower-right-hand side there's a
22	Q. Is this a document that's generated,	22	signature above signature of dealer authorized
23	Bates-numbered 26, a document generated by DealerSocket	23	representative.
24	software?	24	Do you recognize whose signature that is?
25	A. I wouldn't know.	25	A. I do not.

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221-224

Page 221		Page 223	
1	DAVID PEREZ	1	DAVID PEREZ
2	Q. Do you know what Exhibit page 31 is?	2	A. Yes.
3	A. Do I know what this is?	3	Q. What is it?
4	Q. Yeah.	4	A. It is a credit file.
5	A. It's an insurance ID card.	5	Q. Is this the credit report Victory Mitsubishi
6	Q. Do you know what page 32 is?	6	pulled on my client Farah Jean Francois?
7	A. Appears to be a copy of a license plate.	7	A. I wouldn't know.
8	Q. Do you know if that's the license plate of the	8	Q. Is there anything in the document -- well, have
9	vehicle sold under the name of Miss Francois?	9	you seen a document like page 37 and 38 before?
10	A. I don't remember.	10	MR. GOODMAN: Have you seen a document like
11	Q. Page 33, have you ever seen this form before?	11	that?
12	A. No.	12	I didn't hear the question.
13	Q. Do you recognize either of the signatures that	13	MR. KESHAVARZ: Yeah.
14	are on the bottom of page 33 that are dated 6/29/2020?	14	Q. That resembles page 37/38?
15	A. No.	15	Ever see one before?
16	Q. Did you see anyone sign page 33?	16	A. Yes.
17	A. I don't remember.	17	Q. And did you see that because that's a credit
18	Q. Did you ever see a form like page Defendant's 34?	18	report that you pull, as far as your job, when you
19	A. Have I seen a document like this?	19	worked at Victory Mitsubishi, right?
20	Q. A form that looked like this before?	20	A. That was part of my job, yes.
21	A. Yes.	21	Q. So looking at the document that's 37 and 38 --
22	Q. What is it?	22	looking at page 38, does that indicate to you that this
23	A. This is a title for a vehicle.	23	credit report was pulled by Victory Mitsubishi?
24	Q. Was this vehicle sold to Victory Mitsubishi on	24	A. Yes.
25	February 28, 2020?	25	Q. Where on page 37/38 does it indicate to you that
Page 222		Page 224	
1	DAVID PEREZ	1	DAVID PEREZ
2	A. I wouldn't know.	2	this Experian credit report was pulled by Victory
3	Q. Is that what it says?	3	Mitsubishi?
4	MR. GOODMAN: You're asking him what the	4	A. Was pulled by Victory Mitsubishi?
5	form says?	5	Page 38 says bureau report date 5/30/2020
6	MR. KESHAVARZ: Yes.	6	8:55:46 p.m.
7	A. Yes. That's what it says.	7	Q. Now, it says "Bureau date pulled May 30th, 2020,
8	Q. Have you ever seen a form like page 35 before?	8	at 8:55 p.m.; is that right, on page 38?
9	A. No.	9	A. Yes.
10	Q. Have you ever seen a form like page 36 before?	10	Q. Does that mean Victory Mitsubishi pulled this
11	A. No.	11	Experian credit report that's pages 37 and 38 on May
12	Q. Have you ever seen a form like page 37/38 before?	12	30th, 2020, at 8:55 p.m.?
13	MR. GOODMAN: We don't have 37/38.	13	MR. GOODMAN: Object to the form. You're
14	MR. KESHAVARZ: Oh, apologies. That's my	14	asking him what it means?
15	super secret file that I have. We will forward.	15	Go ahead, if you can understand.
16	MR. GOODMAN: We do have it. I'm sorry. It	16	A. It means it was pulled around that time, yes.
17	was apparently sent and printed separately.	17	Q. So Victory Mitsubishi pulled this credit report
18	MR. KESHAVARZ: What was that exhibit number	18	at 8:55 p.m. on May 30th, 2020, correct?
19	on that one, Emma?	19	MR. GOODMAN: Objection. Asked and
20	What did we want to mark that one as?	20	answered.
21	That one is --	21	A. Correct.
22	MS. CATERINE: Exhibit 22.	22	Q. Now, Mitsubishi -- I think you testified before
23	MR. KESHAVARZ: Exhibit 22, Bates-stamped	23	that Victory Mitsubishi has to destroy any -- strike
24	Defendant's 37 to 40.	24	that.
25	Q. Do you recognize page 37 and 38?	25	I think you testified before that Victory

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225-228

Page 225		Page 227	
1	DAVID PEREZ	1	DAVID PEREZ
2	Mitsubishi doesn't have access to any credit report on	2	Mitsubishi as to my client, correct?
3	Dealertrack more than 30 days after the date of the	3	A. Yes.
4	credit application; is that right?	4	Q. And that was pulled by Victory Mitsubishi on May
5	A. I'm not understanding.	5	30th, 2020, at 8:55 p.m., correct?
6	Q. Sure. Is there a limit of time in which the	6	A. That is correct.
7	dealership, Victory Mitsubishi, can have access to the	7	Q. Did you pull this credit report?
8	credit report that it pulls on a consumer?	8	A. I don't remember.
9	A. Thirty days.	9	Q. Is there anything on the document, the TransUnion
10	Q. Thirty days from the date of the credit	10	credit report document, Defendant's 39 and 40, that
11	application, correct?	11	would indicate who at Mitsubishi pulled the credit
12	A. Yes.	12	report.
13	Q. And so that's -- after 30 days, it's no longer --	13	A. I wouldn't know, sir.
14	the credit report's no longer able to be viewed by the	14	Q. As a general rule, you'd be the person to pull
15	dealership on Dealertrack, correct?	15	credit reports as of May and June 2020, correct?
16	MR. GOODMAN: Object to form.	16	MR. GOODMAN: Object to form.
17	A. Correct.	17	A. Can you repeat that?
18	Q. Is the credit report of the consumer ever printed	18	Q. Generally, in May and June 2020, that would be
19	out and put in the deal file?	19	your job to pull consumer credit reports in relation to
20	A. I wouldn't know.	20	obtaining financing.
21	Q. Do you have any idea how the dealership could	21	That would be your job, right?
22	have a copy my client's Experian credit report?	22	MR. GOODMAN: Object to form.
23	I'll represent to you it was produced around	23	A. My job and Stavros.
24	September 20, 2020.	24	Q. Primarily your job to pull credit reports for
25	Do you have any idea how Victory Mitsubishi could	25	financing, right?
Page 226		Page 228	
1	DAVID PEREZ	1	DAVID PEREZ
2	still have this credit report?	2	MR. GOODMAN: Object to form.
3	A. I wouldn't.	3	A. Myself or Stavros, whoever's available.
4	Q. Would you have been the person to pull the credit	4	Q. But it was primarily your job to pull credit
5	report that is Exhibit 37, pages 37/38?	5	reports for financing. That's your --
6	A. I don't know. I don't know.	6	MR. GOODMAN: Objection to form. Asked and
7	Q. Would anybody else at the dealership be	7	answered.
8	authorized to pull a credit report, other than yourself,	8	Go ahead.
9	on May 30th, 2020?	9	A. Myself or Stavros.
10	A. Stavros.	10	Q. I'm sorry.
11	Q. Sorry?	11	I couldn't hear you.
12	A. Stavros.	12	A. Myself or Stavros.
13	Q. Anyone else?	13	Q. It was Stavros' primary job to pull credit
14	A. No.	14	reports for finance --
15	Q. Do the associate auto sales people have access to	15	MR. GOODMAN: Objection to form.
16	the Dealertrack program?	16	A. I wouldn't know.
17	A. They do not.	17	Q. What's Stavros' primary job in relation to your
18	Q. So you're saying, even if the auto sales people	18	work?
19	wanted to pull a credit report, they couldn't use the	19	MR. GOODMAN: Object to form.
20	Dealertrack system to do that.	20	A. He's my boss.
21	Is that what you're saying?	21	Q. And is Stavros, typically, involved in the sales
22	A. They don't have access to the Dealertrack system.	22	and financing agreements of vehicles or any deals that
23	Q. And do you know if you pulled the credit report	23	you were ever involved in?
24	that's pages -- strike that -- pages 39 to 40, that's	24	MR. GOODMAN: Object to form.
25	the TransUnion credit report that was pulled by Victory	25	A. Whoever's available.

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229-232

Page 229		Page 231
1	DAVID PEREZ	1
2	Q. I can't hear you.	2 A. But if I have to talk to a customer, I'm going to
3	A. Whoever is available.	3 talk to a customer, sir.
4	Q. What role would Stavros Orsaris have in the sales	4 Q. So it would be an unusual situation where Stavros
5	and financing of a vehicle?	5 would pull credit reports as opposed to you?
6	MR. GOODMAN: Object to form.	6 That would just be an atypical situation, right?
7	A. I wouldn't know.	7 MR. GOODMAN: Object to form. Repetitive.
8	Q. Because you went through the steps.	8 Argumentative. Wasteful.
9	When you say whoever's available, what do you	9 Q. You can answer.
10	mean by that?	10 A. It's whoever is available at that time.
11	Because you went through the steps from the auto	11 Q. And who's available more often, you or Stavros?
12	salesperson to you, to the finance person back down to	12 MR. GOODMAN: Object to form. Time frame?
13	the consumer. I didn't hear anyone else in the chain.	13 A. I wouldn't remember.
14	When you say whoever's available, who else is	14 Q. Is Ms. Vallejo authorized to pull credit reports?
15	available?	15 A. Yes.
16	What do you mean?	16 Q. Does she pull credit reports in the regular
17	A. Myself or Stavros.	17 course of sales that you were involved in, the 250 to
18	Q. I can't hear you.	18 270 sales a month?
19	A. Myself or Stavros. Whichever one of us is	19 MR. GOODMAN: Objection. He didn't say all
20	available.	20 of those sales involved pulling credit reports. You're
21	Q. So sometimes an auto salesperson would get the	21 just assuming things and throwing it into questions.
22	signed credit application and driver's license and not	22 Go ahead.
23	go to you, but go to Stavros to pull the credit report,	23 Q. Let me just ask you the question.
24	correct?	24 Is it normal for Miss Yessica Vallejos to pull
25	A. It's whoever's available, sir.	25 credit reports?
Page 230		Page 232
1	DAVID PEREZ	1 DAVID PEREZ
2	Q. I'm sorry?	2 MR. GOODMAN: Object to form. Object to
3	A. Whoever's available, sir.	3 form.
4	Q. I understand that.	4 A. No.
5	But normally, the auto salesperson goes to you to	5 Q. And under what circumstances would she pull a
6	pull a credit report in the normal course of business.	6 credit report?
7	That's normally how it goes, right?	7 A. If me or Stavros weren't available.
8	MR. GOODMAN: Object to form as to what	8 Q. Is there any way to check to determine who pulled
9	normal means.	9 Miss Francois' credit report?
10	Go ahead.	10 Any way to check?
11	A. If it's not busy, yes.	11 MR. GOODMAN: Asked and answered.
12	Q. Well, I would imagine it's busy a lot in a car	12 A. I wouldn't know.
13	dealership.	13 Q. Would that be on Dealertrack?
14	So is there any -- who is available to most, in	14 MR. GOODMAN: Asked and answered.
15	terms of -- wait a minute.	15 A. I would not know.
16	Why would you not be available to pull credit	16 MR. KESHAVARZ: If we can send as exhibits
17	reports?	17 -- let's send as exhibits Defendant page 41, which
18	That's your job.	18 appears to be an online credit app. And pages 49 to 69,
19	Why wouldn't you be available, if you were	19 which appear to be iPhone screen shots. And --
20	working that day?	20 MS. CATERINE: We already marked 49 through
21	MR. GOODMAN: Object to form.	21 69 as Exhibit 19.
22	A. I might be talking to a customer.	22 MR. GOODMAN: You already asked questions
23	Q. But customer interactions are generally done by	23 about 49 and 69.
24	the auto sales people, right?	24 MR. KESHAVARZ: Thank you.
25	MR. GOODMAN: Object to form.	25 This is mislabelled.

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233-236

Page 233	Page 235
1 DAVID PEREZ	1 DAVID PEREZ
2 Mark as an exhibit Defendant pages 70	2 Q. Go ahead.
3 through 72, which appear to be iPhone screen shots.	3 A. It has Mr. Emmanuel's name.
4 MR. GOODMAN: Well, we don't have those.	4 Q. So is the answer yes?
5 We'll have to go through that process again, also. But	5 A. Yes.
6 suppose we'll waste some more time doing it now.	6 Q. Looking at the top of the document, the header,
7 (A recess was taken at 5:34 p.m.)	7 are these headers that you would see in Dealertrack --
8 (Plaintiff Exhibit Nos. 24 through 27 were	8 FNI, leads, create, deals, book out and so forth?
9 deemed marked for identification.)	9 A. I don't remember.
10 MR. KESHAVARZ: Mr. Goodman, can you give	10 Q. Because book out was one of the documents that we
11 that page to your client, subpoena response page 557?	11 looked at before.
12 Q. I'm showing you what's marked Plaintiff's Exhibit	12 MR. GOODMAN: Is that a question?
13 26, Bates-stamped subpoena responses 557, and also	13 Object to form.
14 stamped as DTI49.	14 A. I don't remember.
15 First of all, just looking at the document	15 Q. The left-hand side where it has "Tab, summary,
16 overall, does that appear to be, roughly speaking, the	16 archive, application, credit decisions, contract, after
17 screen that you would see on the Dealertrack system --	17 market compliance, documents and ID verifications," are
18 one of the screens you would see on the Dealertrack	18 those the types of tabs that you would see on the
19 system?	19 Dealertrack system?
20 A. No.	20 A. What's the question?
21 Q. Now, read this document to yourself, and let me	21 Q. The tabs on the left-hand-side column which I
22 know when you're done.	22 just went through as part of the summary, are these tabs
23 A. I'm sorry?	23 you would see in the Dealertrack system on Victory's
24 Q. Read this document to yourself, and let me know	24 end?
25 when you're done, please.	25 A. Depends on what you have access to.
Page 234	Page 236
1 DAVID PEREZ	1 DAVID PEREZ
2 A. I'm done.	2 Q. But the tabs on the left side are tabs that you
3 Q. So I'll represent to you that this was produced	3 can see on Dealertrack on the end for Victory
4 by Dealertrack in response to a subpoena.	4 Mitsubishi, correct?
5 And in the lower-left-hand side it says,	5 MR. GOODMAN: Object to the form.
6 "Dealertrack website," correct?	6 Go ahead.
7 A. Correct.	7 A. Correct.
8 Q. And it says, "Copyright Dealertrack Technologies"	8 Q. And you're seeing a screen that's similar to the
9 on the bottom, correct?	9 history section of the document in front of you,
10 A. Correct.	10 correct?
11 Q. And on top it says, "Deal jacket Dealertrack,"	11 MR. GOODMAN: What?
12 correct?	12 Q. Where it has "History 2020," and it goes down and
13 A. That's correct.	13 has "Adverse action recommended, verification" and goes
14 Q. And in the upper left it says, "Dealertrack FNI,"	14 down all the way through "Credit bureau pulled and deal
15 correct?	15 jacket created," those are things you would see on your
16 A. Correct.	16 Dealertrack system, right?
17 Q. So this appears to be a Dealertrack screen shot	17 A. Correct.
18 about the pull of the credit -- strike that.	18 Q. So starting at the bottom and going up, at 4:38
19 A Dealertrack screen shot regarding information	19 says, "D. Perez deal jacket created."
20 about Emmanuel Laforest?	20 So you created the deal jacket at 4:38 p.m.
21 MR. GOODMAN: Appear to him to be that or	21 regarding this transaction that's Bates 557, correct?
22 appear to you to be that?	22 A. That's what it appears to be.
23 MR. KESHAVARZ: Yeah.	23 Q. And this is a dealer jacket created for Emmanuel
24 MR. GOODMAN: What does appear mean?	24 Laforest, correct?
25 Object to form.	25 A. Again, that's what it appears to be.

DAVID PEREZ
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237-240

<p style="text-align: right;">Page 237</p> <p>1 DAVID PEREZ</p> <p>2 Q. And at 4:20 -- going from the bottom up, at</p> <p>3 4:39 p.m., you pulled the credit report -- well -- five</p> <p>4 things happened at 4:39.</p> <p>5 You pulled the credit report of Mr. Laforest at</p> <p>6 4:39 p.m., right?</p> <p>7 MR. GOODMAN: What's the question?</p> <p>8 You have to repeat that. I'm sorry.</p> <p>9 Q. Sure. At 4:39 it says a number of actions taken</p> <p>10 by you, D. Perez. So on Saturday, May 30th at 4:39, you</p> <p>11 sent a credit bureau authorization to Dealertrack and</p> <p>12 pulled Mr. Emmanuel Laforest's credit report, correct?</p> <p>13 A. That's what it appears to be.</p> <p>14 Q. And you're saying that when you pulled the credit</p> <p>15 report, that there was no credit history for</p> <p>16 Mr. Laforest, right?</p> <p>17 A. I don't really know. But based on what you've</p> <p>18 shown me, yes.</p> <p>19 Q. That's because you wrote 0/0 on the credit</p> <p>20 application over his name, right?</p> <p>21 A. That's correct.</p> <p>22 Q. So you tried to pull two different credit</p> <p>23 reports, because there are two credit reports listed at</p> <p>24 4:39 under your name.</p> <p>25 So you attempted to pull two different credit</p>	<p style="text-align: right;">Page 239</p> <p>1 DAVID PEREZ</p> <p>2 At the top it says, "June 20th" -- "Saturday,</p> <p>3 June 20th, 3:08 a.m." Says, "Adverse action</p> <p>4 recommended."</p> <p>5 Do you see that?</p> <p>6 A. Okay.</p> <p>7 Q. An adverse action notice has to be sent out when</p> <p>8 someone applies for credit while at the dealership when</p> <p>9 that application is denied, right?</p> <p>10 A. I wouldn't know.</p> <p>11 Q. But -- all right. That's fine.</p> <p>12 MR. KESHAVARZ: Emma, if you could forward</p> <p>13 these other exhibits over, which are the documents that</p> <p>14 you referenced the Bates numbers of, can you just</p> <p>15 forward those over, please?</p> <p>16 And while you do that -- Emma's been way</p> <p>17 ahead of me, which is the issue.</p> <p>18 Q. I want to point your attention to what Emma</p> <p>19 previously e-mailed you as Exhibit 24, Bates-stamped</p> <p>20 Defendant's 41.</p> <p>21 Please review that, and let me know when you're</p> <p>22 done.</p> <p>23 A. I'm done.</p> <p>24 Q. All right.</p> <p>25 What is that?</p>
<p style="text-align: right;">Page 238</p> <p>1 DAVID PEREZ</p> <p>2 reports for Mr. Laforest, but there was no credit</p> <p>3 history for either of them; is that right?</p> <p>4 A. I'm not understanding the question.</p> <p>5 Q. Well, you said you pulled credit report -- tried</p> <p>6 to pull a credit report for Mr. Laforest, but there was</p> <p>7 no credit history.</p> <p>8 That's why you put down 0/0, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And Exhibit 26 shows two different credit bureau</p> <p>11 pulls or attempts to pull, correct?</p> <p>12 A. Based on this, yes.</p> <p>13 Q. So you tried to pull two credit reports from two</p> <p>14 different credit reporting agencies, and neither of them</p> <p>15 had a credit file for Mr. Laforest, correct?</p> <p>16 MR. GOODMAN: Objection to form.</p> <p>17 Go ahead.</p> <p>18 A. From what I can see, yes.</p> <p>19 Q. And those credit reporting agencies that you</p> <p>20 pulled, at that time, was Equifax and TransUnion,</p> <p>21 correct?</p> <p>22 A. Experian and TransUnion.</p> <p>23 Q. I always get those two mixed up. I can't tell</p> <p>24 you how many cases I have where I switch those two. All</p> <p>25 right.</p>	<p style="text-align: right;">Page 240</p> <p>1 DAVID PEREZ</p> <p>2 A. This looks to be a credit application.</p> <p>3 Q. Now, this would be the credit application for</p> <p>4 Emmanuel Laforest, correct?</p> <p>5 A. According to the name on it, yes.</p> <p>6 Q. And you would fill in the information for a</p> <p>7 credit application as part of your job, right?</p> <p>8 MR. GOODMAN: Object to form.</p> <p>9 Go ahead.</p> <p>10 A. Well --</p> <p>11 Q. Sorry?</p> <p>12 A. I'm looking it over.</p> <p>13 Q. Take your time.</p> <p>14 A. This application wasn't filled out by us.</p> <p>15 Q. Who was it filled out by, if you can tell?</p> <p>16 A. I wouldn't be able to tell.</p> <p>17 Q. What makes you think it wasn't filled out by the</p> <p>18 dealership?</p> <p>19 A. Well, at the bottom this extranetdealetc.com.</p> <p>20 That's not filled out by us. This is normally filled</p> <p>21 out by the consumer.</p> <p>22 Q. What do you mean it's normally filled out by the</p> <p>23 consumer?</p> <p>24 What is?</p> <p>25 A. So pretty much, this right here is a credit app</p>

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1	DAVID PEREZ	1	DAVID PEREZ
2	that the consumer fills out on our website.	2	A. I wouldn't be able to tell based on this.
3	Q. I see.	3	Q. But there's no co-applicant in the credit
4	And that was -- and based on this credit	4	application, based on Exhibit 24, right?
5	application, you would pull Mr. Laforest's credit	5	A. Again, sir, I wouldn't be able to tell just based
6	report?	6	off this.
7	A. No. So what it does is, it's a soft credit	7	Q. What else would you be able to look at on the
8	check. So gives us a brief, like, history of his	8	online credit application process?
9	credit. And with that, we can call the customer and	9	MR. GOODMAN: Object to form.
10	tell him, hey, you know, come on in. We can help you	10	Go ahead.
11	out and get you into a vehicle.	11	A. Just the information he provides.
12	Q. We were talking before about the person being --	12	Q. Now on the bottom it says -- above the
13	the consumer being there in person.	13	applicant's signature it says, "This is a printable
14	But you're saying through Victory Mitsubishi's	14	version."
15	website, a consumer can fill in information to make an	15	Do you see that?
16	online credit application; is that right?	16	A. I see it.
17	A. So there's a difference between a soft credit and	17	Q. Just read that sentence to yourself, and then let
18	a hard credit pull. Soft credit does not hit your	18	me know so I can ask you a question about it.
19	credit.	19	A. Okay, I read it.
20	Q. Soft credit doesn't affect your credit score?	20	Q. Now, it says that the applicant quote,
21	You have to say "Yes" or "No."	21	"Authorizes us to disclose and forward all of the
22	A. No, it doesn't.	22	information we collect as described above to financial
23	Q. But a soft credit pull still provides you all the	23	institutions for application processes."
24	information that's on the credit report about prior late	24	Did I read that correctly?
25	payments?	25	A. You read it.
Page 242		Page 244	
1	DAVID PEREZ	1	DAVID PEREZ
2	A. Not necessarily.	2	Q. And it says, if you click on that submission,
3	Q. So what I'm trying to figure out is this.	3	then you're authorizing Victory Mitsubishi to, in fact,
4	There's an online credit application process that	4	do that, submit the financial applications to finance
5	someone can go through through the Victory Mitsubishi	5	companies, right?
6	website; is that true?	6	A. That's what it states on here.
7	A. Yes.	7	Q. And in order to do that, Victory Mitsubishi would
8	Q. And that's what happened in this instance with	8	do a soft credit pull as to Mr. Laforest, correct?
9	Mr. Laforest, correct?	9	A. Well, once he fills out the application, the soft
10	A. By the looks of it, yes.	10	credit pull happens automatically.
11	Q. And just on the bottom it says, "Defendant 41."	11	Q. And that information about the soft credit pull
12	I'll represent to you that this was a document	12	would be in the Dealertrack system, correct?
13	produced by the car dealership during the course of	13	A. That, I wouldn't know.
14	litigation. It wasn't from me or someone else. This is	14	Q. So let me talk about this online credit
15	the car dealership's paper.	15	application process.
16	So how does that work?	16	When there's a process doing it online, does the
17	You filled out -- can you tell when the credit	17	dealership then send the customer a link to fill out the
18	application was filled out?	18	credit application?
19	A. If you can tell?	19	Is there a link for the consumer to fill out --
20	Q. Yeah.	20	let me strike that.
21	A. No.	21	Why wouldn't the dealership have the consumer
22	Q. All right.	22	come in to the store and fill out an application, as
23	But he was just -- when Mr. Laforest submitted	23	opposed to doing it online?
24	the credit application, he was just solely submitting it	24	MR. GOODMAN: Objection to form.
25	for himself, correct?	25	A. I'm not understanding the question.

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Page 245		Page 247
1	DAVID PEREZ	1
2	Q. Why wouldn't the dealership just have people come	2
3	in person to the store to fill out a credit application,	3
4	as opposed to doing it online?	4
5	MR. GOODMAN: Objection.	5
6	If you know.	6
7	A. I wouldn't know.	7
8	Q. Where did Victory Mitsubishi submit an	8
9	application to a financial institution to for	9
10	Mr. Laforest, based on the credit application that's	10
11	Exhibit 24?	Victory Mitsubishi?
12	A. Can you repeat the question?	11
13	Q. Sure. So Exhibit 24 says that Victory Mitsubishi	Why would the website say that, then?
14	is going to use the information in Exhibit 24 to submit	12
15	credit applications for the financing of a vehicle.	A. Well, I don't know, sir.
16	Where would we find those credit applications?	13
17	A. We wouldn't submit it based on this. I can't	Q. Can you think of any reason why?
18	verify that it's you.	14
19	Q. I see.	MR. GOODMAN: Objection.
20	So where it says, "We'll submit it to the finance	15
21	company," in fact -- wait a minute.	You don't have to think of reasons.
22	You said you can't verify if the consumer filling	16
23	out the information is the person who he contends to be,	A. I wouldn't know.
24	right?	17
25	MR. GOODMAN: Object to the form. Asked and	Q. So you're saying the representation that's on the
		bottom above the signature is untrue?
		19
		MR. GOODMAN: Objection to form.
		20
		Go ahead.
		21
		A. I'm not understanding the question.
		22
		Q. Well, because the applicant's signature, the
		23
		information above it, is what is represented to the
		24
		consumer on Victory Mitsubishi's website when the
		25
		consumer fills out that application, right?
Page 246		Page 248
1	DAVID PEREZ	1
2	answered.	2
3	Q. Well, wait. This is what I'm trying to figure	A. Okay.
4	out.	3
5	Based only on the information submitted by the	Q. Is that true?
6	consumer or Victory Mitsubishi's website, that	4
7	information being Exhibit 24, based solely on that,	MR. GOODMAN: Is what true?
8	Mitsubishi does a soft credit pull on the name of the	5
9	person on the online credit application, correct?	Object to form.
10	A. No, sir.	6
11	Q. Okay.	Q. That above the applicant's signature is the
12	Go ahead.	7
13	A. As soon as -- for example, as soon as I fill out	information. Says, "Printable version of an online
14	an application, the minute I hit submit, it pulls it.	8
15	We don't pull it. It automatically does it, as soon as	application received and forwarded."
16	I hit submit. I fill it out, put my information, David	9
17	Perez, so and so, my Social, my date of birth, my work	That's what's shown to the consumer filling out
18	history, it automatically pulls it.	10
19	Doesn't mean that, say someone at the dealership	an online application on the Victory Mitsubishi's
20	is going to submit it. I still have to verify that it's	11
21	you.	website, right?
22	Q. So when the person fills out the online	12
23	application, when he or she clicks submit, that's the	MR. GOODMAN: Asked and answered.
24	authorization for the soft pull of the credit report,	13
25	correct?	THE WITNESS: I don't understand.
		14
		MR. GOODMAN: I don't know what he's trying
		15
		to say.
		16
		Q. Is the -- you see that sentence that says, "This
		17
		is a printable version of an online application"?
		18
		You see that?
		19
		A. Yes.
		20
		Q. And it says, "Whereas the applicant clicks on the
		21
		online submit button, it authorizes us to disclose and
		22
		forward all of the information we collect as described
		23
		above to the financial institutions for application
		24
		processing."
		25
		Did I read that sentence correctly?

DAVID PEREZ
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1	DAVID PEREZ	1
2	MR. GOODMAN: You've asked that two or three	2
3	times already. The answer was yes.	3
4	You don't have to answer again.	4
5	Q. And that is -- so that's a representation that's	5
6	made on Mitsubishi's website to the consumer who's	6
7	filling out the online credit application, right?	7
8	MR. GOODMAN: Objection to form.	8
9	I don't know what he's asking.	9
10	A. Are you asking -- I'm not getting it.	10
11	Q. That sentence, is that on the screen that the	11
12	consumer clicks on to submit the application?	12
13	A. I wouldn't know what's on the screen.	13
14	Q. Because it says, "Click here to submit."	14
15	All right.	15
16	So then what happens next after the consumer	16
17	fills out the online credit application?	17
18	You said the consumer -- what's the next step in	18
19	the process?	19
20	A. They're usually called. Once they're called, we	20
21	are inviting them in to see what we can do for them.	21
22	Q. Is that the auto salesperson who would normally	22
23	call?	23
24	A. That, I wouldn't know who would.	24
25	Q. So then when the consumer is contacted to come	25
Page 250		Page 252
1	DAVID PEREZ	1
2	in, that happened for Mr. Laforest.	2
3	Mr. Laforest was reached out to, and he came in	3
4	about purchasing a vehicle, right?	4
5	A. I would assume so, based on the handwritten	5
6	information that we have.	6
7	Q. Excellent.	7
8	So the website application was prior to May 30th,	8
9	2020; is that what you're saying?	9
10	A. I wouldn't know.	10
11	Q. What document's in the possession of Victory	11
12	Mitsubishi would say the time that that -- the day that	12
13	online credit application was made?	13
14	A. I wouldn't know.	14
15	Q. Let's go through Exhibit 25, Bates-stamped	15
16	Defendant's 20 through -- 70 through 72.	16
17	MR. GOODMAN: We're at 6:10. So this is the	17
18	last exhibit that we're going to deal with.	18
19	MR. KESHAVARZ: We have a court-ordered	19
20	deposition. We have eight hours.	20
21	(Simultaneous cross talk.)	21
22	MR. GOODMAN: Feel free to --	22
23	MR. KESHAVARZ: -- plus breaks.	23
24	MR. GOODMAN: I'll be happy to let you take	24
25	it up with the judge.	25

DAVID PEREZ
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253-256

Page 253		Page 255	
1	DAVID PEREZ	1	DAVID PEREZ
2	A. No.	2	A. I don't understand the question.
3	MR. GOODMAN: Object to form.	3	Q. If someone came to you and said, I've been ripped
4	Q. Is it possible that someone at the dealership	4	off at the car dealership, what would you do?
5	might have gone rogue and done this?	5	Would you tell Mr. Stavros?
6	Is that, at all, possible?	6	What would you do?
7	MR. GOODMAN: Objection to form.	7	A. I wouldn't know, sir. Nobody ever came up to me.
8	Don't answer.	8	Q. Why is the date on the retail installment sales
9	What's possible?	9	contract on June 29th when the application for the loan
10	Q. Well, I mean, there's an allegation of some	10	was May 30th?
11	pretty serious stuff, and you never asked anyone at the	11	A. I wouldn't know.
12	dealership if any of the allegations were true?	12	Q. Going to Defendant's Exhibit 21 on page
13	Is that what you're testifying to?	13	Defendant's 13, the e-mail address here is
14	MR. GOODMAN: Asked and answered.	14	Francois@gmail.com.
15	You did testify to that. You're not going	15	That's not a real e-mail address, right?
16	to do it again.	16	That e-mail address doesn't exist, does it?
17	Q. Yes or no?	17	A. Which one, sir?
18	MR. GOODMAN: He answered no.	18	MR. GOODMAN: What page are you on?
19	Q. If you review Exhibit 25, let me know when you're	19	MR. KESHAVARZ: Exhibit 21, Defendant's page
20	done -- Bates-stamped 70-72.	20	13. It has an e-mail address Defendant's 37.
21	A. I'm not reviewing it.	21	A. 37?
22	Q. Sorry?	22	What did you ask, again?
23	A. I'm not reviewing it.	23	Q. Where it says, "Permissible code" -- excuse me.
24	Q. Do you have any idea what that is?	24	Let me say that again.
25	A. No.	25	Where it says, "Permissible purpose code: T-00,"
Page 254		Page 256	
1	DAVID PEREZ	1	DAVID PEREZ
2	Q. Did anyone ever tell you that there were texts	2	what does that mean?
3	with Mr. Laforest?	3	A. Would not know.
4	Anyone at the dealership ever tell you that?	4	Q. On that same page where it says, "0092 request of
5	A. No, sir.	5	product option not allowed," what does that mean?
6	Q. At the dealership, did anyone tell you that	6	A. Would not know.
7	Mr. Laforest sent a video where the vehicle was?	7	Q. Same page says, "0086 similar Social Security
8	A. No.	8	number on file," what does that mean?
9	Q. If a customer came to the dealership and told you	9	A. Would not know.
10	or a sales associate that they had a complaint, what	10	Q. Would that raise any red flags to you, in terms
11	would you or the sales associate do?	11	of submitting credit reporting information to your
12	MR. GOODMAN: A complaint about what?	12	finance manager?
13	Object to form.	13	MR. GOODMAN: Object to form.
14	MR. KESHAVARZ: About the sales or financing	14	A. I wouldn't know.
15	of a vehicle.	15	Q. Next page, Exhibit 22, Defendant's page 38, what
16	A. I wouldn't know anything about that, sir.	16	does "0027CKTP: Input Social Security number issue date
17	Q. My question is, if a customer came to the	17	unverified," what does that mean?
18	dealership and told you or told you that they had a	18	A. Would not know.
19	complaint about a fraud at the dealership, what would	19	Q. Exhibit -- same page, what does quote, "0335AG8
20	you do?	20	too many inquiries last 12 months mean"?
21	A. Again, I wouldn't know anything about that.	21	A. Wouldn't know.
22	Q. If someone asked you that, was there anything you	22	Q. And that's on the credit reports that you pull,
23	would do?	23	right?
24	MR. GOODMAN: Object to the form.	24	A. I don't know if I pulled these, sir.
25	Go ahead.	25	Q. But you review credit -- part of your job is to

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Page 257		Page 259
1 DAVID PEREZ		1 DAVID PEREZ
2 review credit reports, in terms of financing options for		2 on that day and time, right?
3 the consumer, right?		3 MR. GOODMAN: Object to form.
4 A. I don't do the submissions.		4 A. Based on what's on the paper, yes.
5 Q. No.		5 Q. So each customer for the dealership should have a
6 But you pull credit reports, right?		6 deal jacket screen like Exhibit -- the exhibit that's
7 A. Yes, sir.		7 subpoena response 557, right?
8 Q. And you look at the credit reports, right?		8 A. I would not know, sir.
9 A. Yes.		9 Q. Well, in order to get a deal jacket, the code is
10 Q. And it says, "To many in the last 12 months."		10 generated by the document that you're looking at in
11 And you have no idea what that means?		11 front of you, right?
12 A. No. That's not part of my job.		12 MR. GOODMAN: Objection to form.
13 Q. And it says -- well, it's your job to pull the		13 You've been over this already. He doesn't
14 credit reports.		14 know.
15 It's not your job to interpret anything?		15 Q. You can answer.
16 A. No. That's why I hand it off to a finance		16 A. I don't know, sir.
17 manager. They know what things are.		17 Q. Where it says, "June 20th, 2020, adverse action
18 Q. So if there's no red flag in the credit report to		18 recommended," why did it take so long to send an adverse
19 you, so if there's anything -- so if there's nothing in		19 action or to be recommended, given the date of the
20 the credit report, no matter what it is, that would be a		20 credit application?
21 red flag to you that would make you want to talk to the		21 A. I wouldn't know.
22 consumer; is that right?		22 Q. In fact, on May 30th, 2020, you knew that
23 MR. GOODMAN: Object to the form.		23 Mr. Laforest's credit was no good, because you got a 0/0
24 A. No.		24 indicating that there was no credit information on him,
25 Q. All right.		25 right?
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1 DAVID PEREZ		1 DAVID PEREZ
2 MR. GOODMAN: All right, Ahmad. We're		2 A. According to the documents, yes.
3 getting done here. And meanwhile, your screen is		3 Q. So on May 30th, 2020, you knew you couldn't
4 shaking continuously, which is very irritating.		4 finance a sale of a vehicle for Mr. Laforest, right?
5 You got any more questions?		5 A. According to the documents, that is correct.
6 Let's go.		6 Q. But then you run a credit report on a woman named
7 MR. KESHAVARZ: Indeed I do.		7 Jamie Singer, correct?
8 MR. GOODMAN: Well, you got a couple of		8 A. I don't know who that is.
9 minutes left and we're going to shut it down.		9 Q. If you look at page 566 -- subpoena 566, which is
10 Q. Going back to page -- subpoena response 557.		10 Exhibit --
11 That's Exhibit -- what exhibit number is that?		11 MS. CATERINE: We haven't marked that one
12 MS. CATERINE: Exhibit 26.		12 yet.
13 MR. KESHAVARZ: Thank you.		13 MR. KESHAVARZ: If you could mark that --
14 Q. Let me know when you're there.		14 MR. GOODMAN: We're not going there.
15 A. I'm there.		15 Time's up.
16 Q. All right.		16 (Simultaneous cross talk.)
17 The first entry on the bottom says, "Deal jacket		17 MR. KESHAVARZ: No. We have seven hours.
18 created."		18 Madame Court Reporter, how much time do we
19 And that means that was when the account for that		19 have left?
20 consumer was created on Dealertrack, right?		20 How much time has been used?
21 A. I wouldn't know. I've never seen this before.		21 MR. GOODMAN: I'm excusing the witness.
22 Q. Well, the entry on the bottom says, "David Perez"		22 MR. KESHAVARZ: Wait. Wait. Wait.
23 -- "D. Perez deal jacket created 4:38 p.m.," right?		23 MR. GOODMAN: We got here because you didn't
24 A. Correct.		24 mark exhibits on time, and you waited all day to get to
25 Q. And that means that you created the deal jacket		25 something you're interested in. So that's not my

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1	DAVID PEREZ	1	DAVID PEREZ
2	problem. That's not the witness' problem.	2	MR. KESHAVARZ: This is not rocket --
3	MR. KESHAVARZ: So how much time --	3	Madame Court Reporter, can you tell me the
4	MR. GOODMAN: So we're going to adhere to	4	exact amount of time that we're allowed for the court,
5	the rules of the court, and we're going to be done.	5	as used?
6	We're not doing another six minutes. We	6	As, if we're going to go off the record --
7	didn't want lunch. This problem is because you didn't	7	MR. GOODMAN: Why are we asking the court
8	mark exhibits and circulate them.	8	reporter for what's a rule of the court?
9	MR. KESHAVARZ: And I wanted to start at	9	It's seven hours.
10	10:00, and you wanted to start at 11:00.	10	MR. KESHAVARZ: All right. All right.
11	Let's just finish --	11	I'm not going to ask any more questions.
12	MR. GOODMAN: That has nothing to do with	12	MR. GOODMAN: That's right.
13	it. It's now 6:30.	13	MR. KESHAVARZ: Madame Court Reporter,
14	MR. KESHAVARZ: Let's finish this up.	14	e-mail me exactly how much time has elapsed, including
15	MR. GOODMAN: No.	15	all of the breaks. And then I'm going to call the court
16	MR. KESHAVARZ: This is what I suggest as a	16	at 10:00 and ask to allow me to finish up whatever
17	comprise. I suggest that we start up -- finish up	17	remaining time we have prior to the retire deposition of
18	Mr. Perez' deposition at 10:00, spend a few minutes.	18	my client.
19	Wrap up --	19	Deposition will remain open. I guess we're
20	MR. GOODMAN: He's not coming back.	20	off the record, because I won't be allowed to ask any
21	MR. KESHAVARZ: -- wrap up everything.	21	more questions.
22	MR. GOODMAN: You can go and make an	22	THE STENOGRAPHER: Mr. Goodman, since this
23	applications or any (indiscernible) remarks that you	23	is a federal deposition, there is no courtesy copy.
24	want. I'm happy to talk to the court about that.	24	Will you be ordering a copy of today's
25	This is all your problem. It's 6:25 now.	25	transcript?
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1	DAVID PEREZ	1	DAVID PEREZ
2	We're finished.	2	MR. GOODMAN: I will have to inquire as to
3	Q. All right.	3	whether my client wants to do that. I don't have an
4	If you look at page -- exhibit --	4	answer for you immediately.
5	MR. GOODMAN: No, we're not looking at page	5	Will you be doing the deposition that is now
6	anything.	6	scheduled for this Wednesday in this same case?
7	MR. KESHAVARZ: All right. I'm going to	7	THE STENOGRAPHER: No, I am not available
8	call -- you're available to talk to the court at 10:00,	8	that day.
9	so that we can get a ruling about finishing up another	9	I'll e-mail you to see if you want to order
10	few minutes for Mr. Perez?	10	a copy of the transcript, and you can reply to that
11	MR. GOODMAN: You can call the court and ask	11	e-mail either way.
12	for five more minutes.	12	MR. KESHAVARZ: All right. Off the record.
13	MR. KESHAVARZ: If you're available, I'm	13	(Whereupon, this proceeding was
14	glad to call the court.	14	concluded at 6:27 p.m.)
15	MR. GOODMAN: I'm not available at	15	
16	10:00 tomorrow. I'll be preparing for your client's	16	
17	deposition.	17	DAVID PEREZ
18	MR. KESHAVARZ: What time do you want to	18	
19	call the court?	19	Subscribed and sworn to
20	MR. GOODMAN: I don't want to call the	20	before me this _____
21	court.	21	day of _____, 2022.
22	MR. KESHAVARZ: We're going to call the	22	
23	court at 10:00.	23	
24	Are you going to be available?	24	Notary Public
25	MR. GOODMAN: I will not.	25	

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1	I N D E X		1	STATE OF NEW YORK)	
2			2	ss.:	
3	Examinations	Page	3	COUNTY OF NASSAU)	
4	DAVID PEREZ	4	4	I, SINDEE J. BAUM a Notary Public for	
5	THE STENOGRAPHER	4	5	and within the State of New York, do hereby certify:	
6	MR. KESHAVARZ		6	That the witness whose examination is	
7	E X H I B I T S		7	herein before set forth, appeared remotely and was duly	
8	No. Description	Page	8	sworn and that such examination is a true and accurate	
9	18 DealerSocket texts, Bates-stamped	157	9	transcription of stenographic notes of the testimony	
10	Defendant's 42 through 48		10	given by that witness.	
11	19 DealerSocket work notes,	157	11	I further certify that I am not related	
12	Bates-stamped 49 to 69		12	to any of the parties to the action by blood or marriage	
13	20 DealerSocket texts, Defendant's page	157	13	and that I am in no way interested in the outcome of	
14	113		14	this matter.	
15	21 Deal jacket, Defendant's 1-36	168	15	IN WITNESS WHEREOF, I have hereunto set	
16	22 Credit report, Defendant's 37-40	168	16	my hand this 5th day of December, 2022.	
17	23 Dealership screen shots, Defendant's	168	17		
18	85-92		18		
19	24 Online credit application	233	19		
20	25 iPhone screens, Defendant's 70-72	233	20		
21	26 Laforest Dealertrack deal jacket	233	21		
22	27 Singer Dealertrack deal jacket	233	22		
23			23		
24			24		
25			25		
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1	Despite the objection of Mr. Goodman,	10	1	ERRATA SHEET	
2	will you tell me your current address	19	2	CASE NAME: FARAH JEAN FRANCOIS v. VICTORY AUTO GROUP LLC	
3	-- residential address and address on		3	d/b/a VICTORY MITSUBISHI, SPARTAN AUTO GROUP LLC d/b/a	
4	May 20th, 2022; yes or no?		4	VICTORY MITSUBISHI, JOHN DOE 1-6 and PHILIP ARGYROPOULOS	
5	Did you have the same cell phone	13	5	DATE OF DEPOSITION: 11/21/2022	
6	number in January 1, 2019?	13	6	WITNESS' NAME: DAVID PEREZ	
7	Did you pay Mr. Goodman anything to	31	7	PAGE/LINE(S) / CHANGE REASON	
8	retain you in this matter?	20	8	/ / / / / /	
9	Now, do you know if there's insurance	32	9	/ / / / / /	
10	coverage that might be covering any	10	10	/ / / / / /	
11	of the claims in any judgments		11	/ / / / / /	
12	entered against you in this case?		12	/ / / / / /	
13	About how much did you make while you	120	13	/ / / / / /	
14	worked as a sales associate at the	3	14	/ / / / / /	
15	dealership?		15	/ / / / / /	
16	But you can't think of any reason why	146	16		
17	a sales associate couldn't ask a --	11	17		
18	couldn't ask a consumer to remove		18		
19	their mask and you could?		19	DAVID PEREZ	
20	I'm asking you, as you're sitting	147	20	SUBSCRIBED AND SWORN TO	
21	here today, can you think of any	4	21	BEFORE ME THIS DAY	
22	reason, other than the fact that		22	OF _____, 2022.	
23	that's the way it was, can you think		23		
24	of any reason about why you could		24	NOTARY PUBLIC	
25	tell a consumer, Stavros can tell a		25	MY COMMISSION EXPIRES	
	consumer to pull down their mask to				
	confirm their identify, but a sales				
	associate couldn't?				
	Has a customer had a problem with the	177			
	sales or financing of any car at	17			
	Victory Mitsubishi while you worked				
	there; yes or no?				
	Has that ever happened, as far as,				
	you know?				
	It's possible it could have been \$1	202			
	per car for your commission per car,	14			
	is that right?				
	Is it possible you can have been paid	202			
	more than \$10,000 per car sale?	23			
	CERTIFICATION				